





ROYAL COMMISSION OF INQUIRY INTO CERTAIN DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND RELATED MATTERS.

Hearing held 8th floor 180 Dundas Street West Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence for

March 20, 1984

VOLUME 119

#### OFFICIAL COURT REPORTERS

Angus, Stonehouse & Co. Ltd., 14 Carlton Street, 7th Floor, Toronto, Ontario M5B 1J2



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2	AND RELATED MATTERS.				
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5	Ontario, on Tuesday, the 20th day of March, 1984.				
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7	No difference of	Laborate Services of the Chicago			
1	THE HONOURABLE MR. JUSTICE	S.G.M. GRANGE - Commissioner			
8	THOMAS MILLAR	- Administrator			
9	MURRAY R. ELLIOT	- Registrar			
10					
11	APPEARANCES:				
12	*				
4.2	P.S.A. LAMEK, Q.C.	Commission Counsel			
13	D. HUNT	Counsel for the Attorney			
14	L. CECCHETTO )	General and Solicitor General			
15		of Ontario (Crown Attorneys and Coroner's Office)			
13		and the latter between land			
16	I.J. ROLAND ) M. THOMSON )	Counsel for The Hospital for Sick Children			
17	R. BATTY )				
	B. PERCIVAL, Q.C. )	Counsel for The Metropolitan			
18	D. YOUNG )	Toronto Police			
19	K. CHOWN	Counsel for numerous Doctors			
20		at The Hospital for Sick Children			
20					
21	F. KITELY	Counsel for the Registered Nurses' Association of Ontario			
22		and 35 Registered Nurses at The Hospital for Sick Children			
23					
24					

(Cont'd) ..

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1	APPEARANCES:	(Cont'd)
3	D, BROWN	Counsel for Susan Nelles - Nurse
4	E. FORSTER	Counsel for Phyllis Trammer - Nurse
5	M. ROSENBERG	Counsel for Sui Scott -
6	J.A. OLAH	Counsel for Janet Brownless - R.N.A.
7	B. JACKMAN	Counsel for Mrs. M. Christie - R.N.A.
9	S. LABOW	Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. &
10		Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
11 12 13	F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (Mother of deceased child Amber Dawson)
14 15	W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)
16	J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai
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--- On commencing at 10:00 a.m.

## SUI SCOTT, Resumed

THE COMMISSIONER: Yes, Mr. Lamek?

MR. LAMEK: Mr. Commissioner, I have

no further questions for Mrs. Scott, thank you.

THE COMMISSIONER: Mr. Rosenberg?

## EXAMINATION BY MR. ROSENBERG:

MR. ROSENBERG: Mr. Registrar, I wonder if you could give Mrs. Scott the Gage chart, the chart for Baby Gage.

Q. Mrs. Scott, would you look at page 65 of the chart which is your nursing note for that night?

A. Yes.

Q. Okay. Now, can you tell from that note how many times you fed the baby yourself that night?

A. Twice.

Q. All right. If we look at the third line of your note it says "Babe was first fed SMA 2 ... " and then there are the numbers 2130. Is that the time that you first fed the baby?

A. Yes.

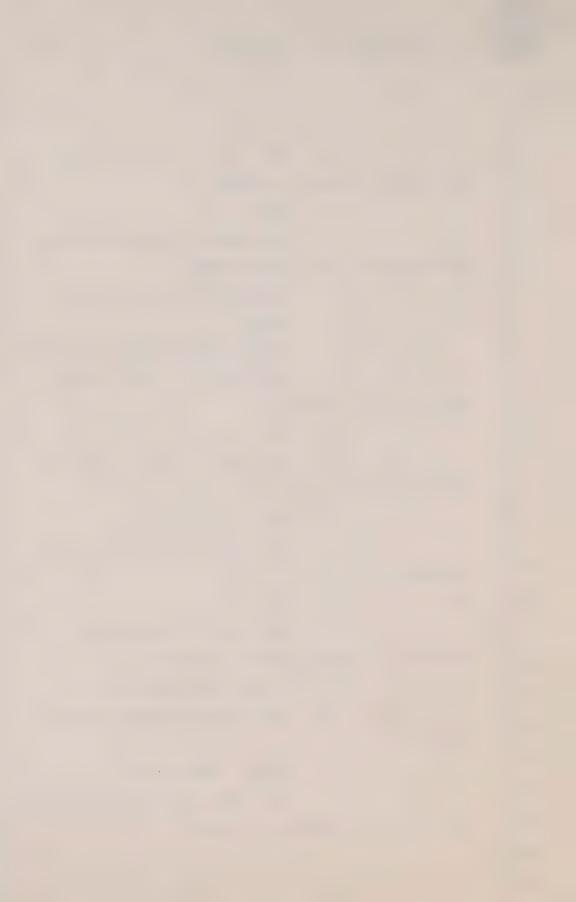
Q. That's full strength formula?

A. Yes.



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A.2	
2	Ω And I take it from your note
3	that the baby threw it all up?
4	A Yes.
5	All right. Then when would you
6	have tried again to feed the baby?
	A. He was fed every two hours.
7	Q. Okay.
8	A. So, it would be about 2330 hours
9	Ω All right. So, that is about
10	half an hour to midnight?
11	ä. Yes.
12	Q. All right. And this time you
13	tried the half strength formula?
	A. Yes.
14	Q. And I take it he vomited that
15	as well?
16	A. Yes.
17	Q. All right. Your note also
18	says that I had it here a minute ago.
19	A. I gave him glucose.
20	Q. Yes, glucose. When was that
	given?
21	A. Almost immediately.
22	Q. All right. So, that was between
23	11:30 and 12, something like that?
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Yes.

All right. Now, can you tell

about that Phyllis Trayner fed the

baby or was sked to feed the baby?

Well, after I fed the baby

The had specific with the doctor about Brian's vomiting

The had specific and him to have glucose water.

THE COMMISSIONER: Doesn't want him

i a Biti.

THE WITNESS: The doctor doesn't want rlucose water because he wanted calories.

THE COMMISSIONER: I'm sorry, what

kind of water this?

THE WITNESS: Glucose.

THE COMMISSIONER: Oh, glucose water,

yes, all right.

THE WITNESS: So, he said try formula

the next feed.

MR. ROSENBERG: Q. All right.

So, the next feed would be two

hours later.

Q. Which would be at 1:30?

A. Yes, about that time.

O. All right. Now, you had fed the



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baby twice or tried to feed the baby twice and as well given him glucose?

A. Yes.

Q. So, that was three times. Is that why you asked Phyllis to - I take it you asked Phyllis to feed the baby?

A. Yes, for the next feeding.

Q. All right. And the reason for that is what, why would you do it rather than ...

A. Well, I thought another nurse might feed the baby better.

Q. Okay. So, that would have been around 1:30?

A. Yes.

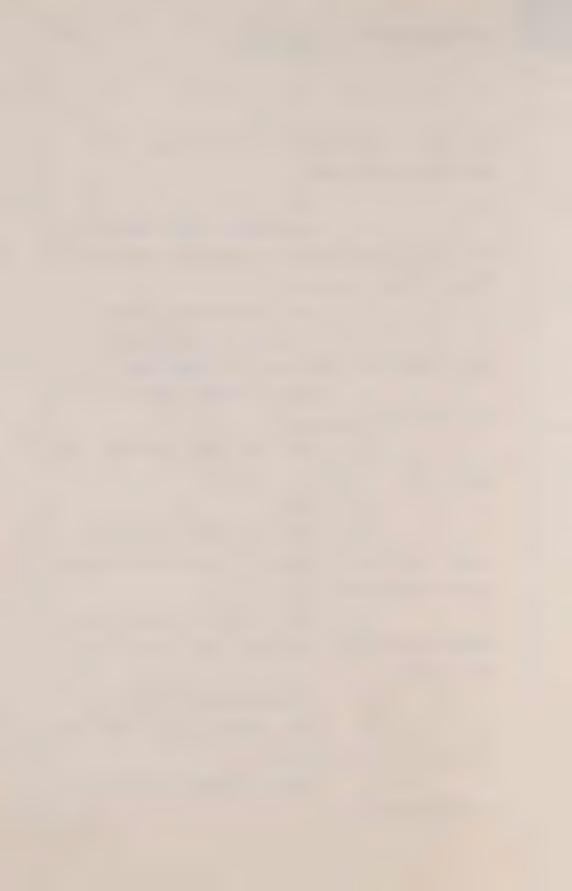
Q. Okay. Does that help you as to what time Phyllis Trayner fed the baby and whether you were at lunch or not?

A. When I said I saw Phyllis, most probably she started feeding the baby before I went out to lunch.

Q. So, that would be around 1:30?

A. Yes. And then when I came back at 15 past 2 I took the sign.

Q. And that is what you told the police essentially?





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A. Yes.

Q. All right, that's fine.

Now, I just want to ask you a couple of questions about Justin Cook and the Inderal being taped to the bed. First of all, who gave the order that the Inderal be taped to the bed?

A. No, Dr. Jedeikin said that he wanted Inderal to be handy by the bedside.

Q. Okay. And you were in the room when the order was given?

A. Yes.

Q. Who else was in the room?

A. Marie Mandal and the relief

nurse.

Q. Okay. Now, who carried out the order with respect to the Inderal?

A. It was about ten to seven and I was very busy doing the charting on Justin and also on the other two babies, so, I asked the relief nurse whether she could do that for me.

Q. All right. Now, we have heard from other witnesses that in fact the Inderal was drawn up in the syringe and taped to the bed along with the broken capsule. Is that what you expected should be done?





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A. No.

Q. What did you think should be

done?

A. The whole vial without opening it and a syringe and put it by the bedside.

Q. All right. Now, this was close to your leaving. I take it from what you told Mr. Lamek you never saw the Inderal taped to the bed?

A. No.

Q. All right. Now, I want to talk about Baby Estrella for a minute. First of all, it is clear from your evidence yesterday that you have a clear recollection of going to lunch Saturday night, early Sunday morning at about 1:30 and Phyllis Trayner coming back around 2 o'clock while you were still at the nursing station?

A. Yes.

Q. All right. And it is obvious from that that Phyllis Trayner was not in the room when you returned to the room around 2 o'clock, is that true?

A. No.

Q. Well, she was not in the room?

A. No.

Q. Okay. Now, first of all, you



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told the police that Phyllis Trayner was in the room when you went back, is that right?

A. Yes.

Q. And you testified at the preliminary hearing that Phyllis Trayner was in the room when you went back?

A. Yes.

Q. Now, can you tell me why you have changed first of all as to what you told the police and your preliminary hearing evidence, why you have changed that evidence?

A. I also told the police that

Phyllis came and relieved me at coffee time at ten

because she wanted to watch Dallas and I got mixed up

with Friday and Saturday. I didn't realize that I

looked after her two successive nights.

Q. Okay, let's just take that slowly. We now know from the assignment book that you had Janice Estrella on constant care Friday night and Saturday night?

A. Yes.

Q. In the same room, Room 423?

A. Yes.

Q. With the television set?

A. Yes.



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	Q.	All	right.	And fro	om what y	ou
are saying,	what you	told	the pol	ice was	that you	would
remember Phy	yllis com	ing in	for you	ur 10 o'	clock br	eak
because she	wanted to	wato	h Dalla	s?		

A. Yes.

Q. All right. Now, what night is Dallas in fact on, Friday night?

A. Friday.

Q. It's on Friday night?

A. Yes.

Q Okay. So, do I take it from that that you had mixed up part of the events from Friday night and Saturday night?

A. Yes.

Q. Okay. And I take it you read over your statement to the police before you testified at the preliminary inquiry?

A. Yes.

Q. Now, can you tell me how it is that you have come to realize the mistake you have made, what triggered the ...

A. When I went over with you all the charts I realized that I looked after her as well on Friday.

Q. All right.



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A. And also when I read Phyllis Trayner's statement and she mentioned about a book and a movie, that brought back memories.

Q. That's her testimony at the preliminary hearing you mean?

I don't know, some statement.

0. What I gave you?

A. Yes.

Which was her testimony, okay. 0.

A. Yes.

Q. All right. So, she mentioned the

book and movie?

Yes. A.

Q. And you realized that you had been on both nights?

Yes.

Yes, okay. Now, Phyllis Trayner also testified at the preliminary inquiry that you did not take your lunch break that night. Did you take your lunch break that night?

Yes, I did.

THE COMMISSIONER: We are now talking

about Saturday?

MR. ROSENBERG: Saturday night, yes.

THE COMMISSIONER: Saturday, yes.



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THE WITNESS: Yes, I did.

MR. ROSENBERG: Q. You did take it,

all right.

Mr. Registrar, could we have Exhibit 364, that's the medication error with respect to Paul Murphy.

Now, Mrs. Scott, I have shown you Exhibit 364 in my office but prior to me showing it to you, had you ever seen that before?

A. No.

Q. All right.

THE COMMISSIONER: I'm sorry, the

answer was no?

THE WITNESS: No.

THE COMMISSIONER: No.

MR. ROSENBERG: Q. Did anyone ever talk to you about an apparent double dose that was given to Paul Murphy?

A. No.

Q. All right. Can I have Exhibit 80C, which is the third volume of Paul Murphy's chart.

Okay, could you look at page 140.

Now, the fourth drug that's listed on there is digoxin at 19/8/80, do you see that line?

A. Yes.



Q. And you see that it says 0.625 milligrams and then that is stroked out and above it is .0625?

A. Yes.

Q. All right. Now, we know from the doctor's orders that the correct dose was in fact .0625?

A. Yes.

Q. All right. Now, the drug medication error sheet indicates there was a double dose, which would be .125 milligrams?

A. Yes.

Q. Is that right?

A. Yes.



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Q. What I wanted to ask you is, did you give that child Paul Murphy 10 times the dose he was supposed to have?

A. I don't think so.

Q. Would that be a very large

dose, 10 times?

A. Yes.

Q. Would you have checked with an RN, the dose?

A. Yes.

Q. I want to ask you one other question. Various nurses have testified up to now and they have had some notes that they made themselves; do you have any notes that you made after you were interviewed by the police?

A. No.

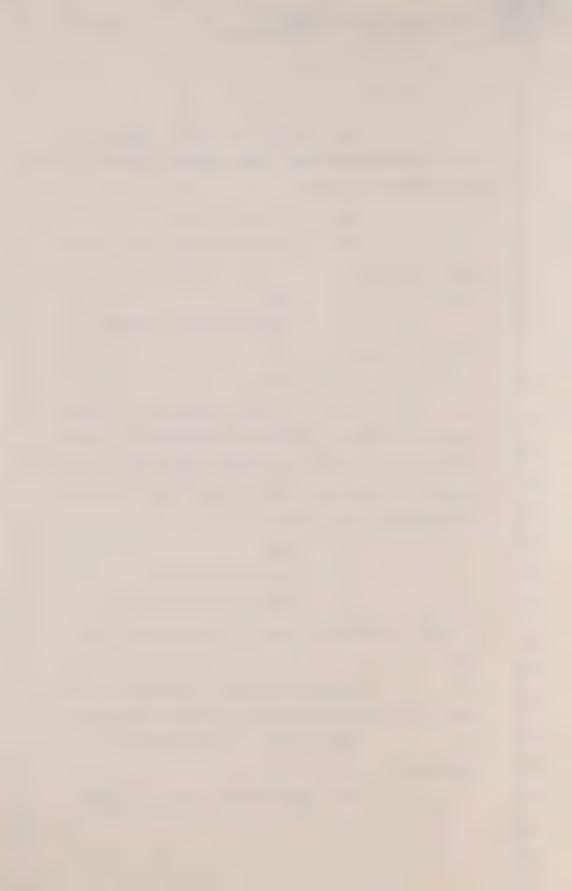
Q. And why is that?

A. The police told me that if I liked I could get a copy of the statement from them.

THE COMMISSIONER: And did you get a copy did you say, or did they say you could have one?

THE WITNESS: I could have one if I wanted to.

THE COMMISSIONER: But you didn't



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ask for it?

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THE WITNESS: No.

MR. ROSENBERG: That's fine. Thank you, Mrs. Scott.

THE COMMISSIONER: Yes, Mr. Brown.

#### CROSS-EXAMINATION BY MR. BROWN:

Q. Mrs. Scott, my name is Brown and I act for Miss Nelles. Yesterday, when you were examined by Mr. Lamek he asked you how you got along with Susan Nelles, and I believe you said you got along very well with her?

A. Yes.

Q. And he asked you what sort of a nurse you thought she was and you described her as very efficient.

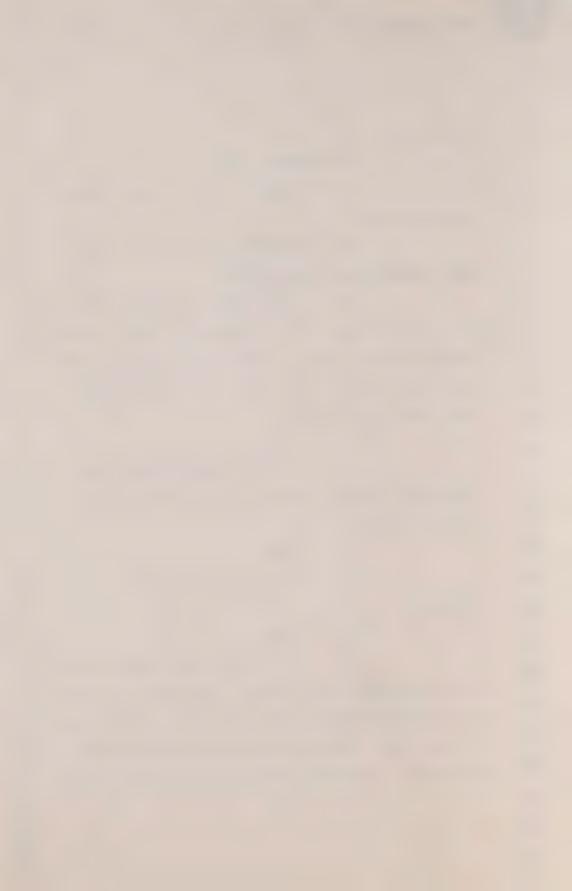
A. Yes.

Q. She took good care of her

A. Yes.

Q. As you are aware Miss Nelles was arrested on March the 25th, 1981 and there was a preliminary hearing held a number of months later in early 1982. During that period of time do you ever recall seeing Miss Nelles around the Hospital?

A. No.





1	Q. Can I ask you a few questions
2	about the baby Janice Estrella; perhaps, Mr.
3	Registrar, if the Estrella chart and also the Cook
4	chart could be given to the witness. With respect
5	to Estrella, you took care of the child on the night
	of January 10th of 1981?
6	A. Yes.
7	Q. And the child was on constant
8	nursing care?
9	A. Yes.
10	Q. And you took over the care of
11	that child I believe from Nurse Ganassin who looked
	after her during the long day shift?
12	A. Yes.
13	Q. I take it you came on shift
14	around 7:30 or so, that was the shift change time?
15	A. 7 o'clock.
16	Q. If I can ask you please to
17	turn to page 53 of the Estrella chart, which is a
18	medication sheet.
19	A. Yes.
	Q. There is an entry there with
20	respect to ampicillin?
21	A. Yes.
22	Q. The time 1800, and there is
23	a notation beside that which I take it is your
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signature and a time of 1930, and from what you said yesterday I understand the dose was in fact given at 7:30 by yourself?

- A. Yes.
- Q. There is a notation right

beside that:

"IV out" is that your notation, right beside your name?

A. I don't think so, I think it was Ganassin's writing.

Q. Did that notation indicate that when the dose was to be given at 1800 the IV was out and the dose could not be given for that reason?

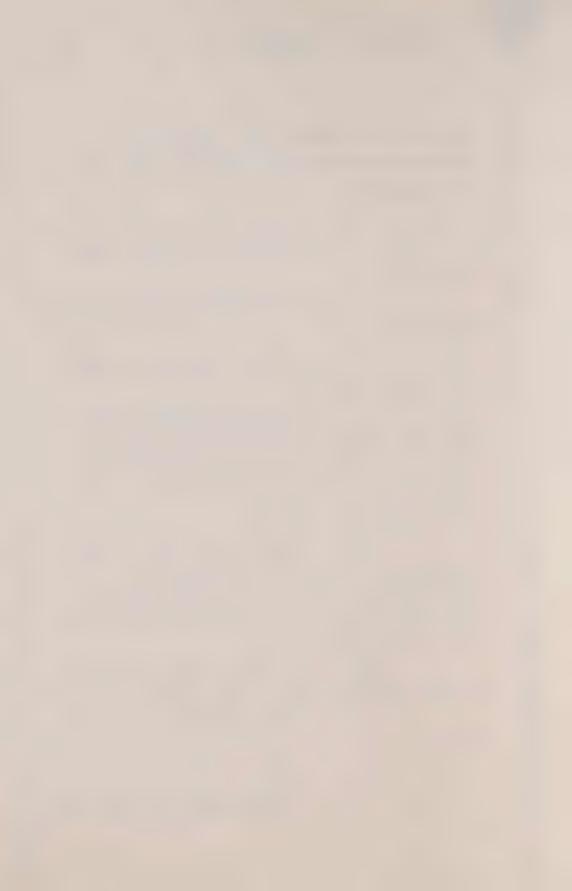
A. Yes.

Q. Now when you came on shift and started to care for Janice Estrella, do you recall whether at that time the IV was back in the child, or was it still out?

A. I think the doctor was there at about that time trying to put the IV in.

Q. Just as you were coming on

- A. Yes.
- Q. And when the IV was put in you



ampicillin?

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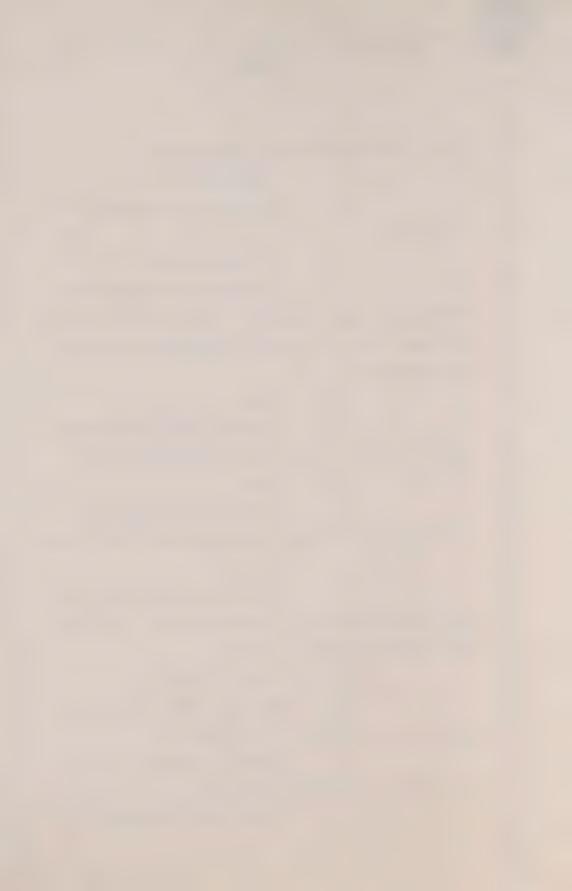
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could then administer the ampicillin?

- A. Immediately, yes.
- Q. And how did you administer the
- A. In the buretrol.
- Q. And once you have put the medication in the buretrol I take it you would allow a certain portion of the IV solution to flow into the buretrol?
  - A. Yes.
- Q. And you would then open the little valve and allow it to run into the child?
  - A. Yes.
- Q. And after the ampicillin had run into the child would you then flush the IV line?
  - A. Yes.
- Q. And do you recall how long after the medication was administered at 7:30 that you then flushed the IV line?
  - A. I don't recall.
  - Q. . Was it an hour, was it 30
- minutes, do you have any recollection?
- A. Usually it should not take more than one hour with ampicillin.
  - Q. Do you have any reason to



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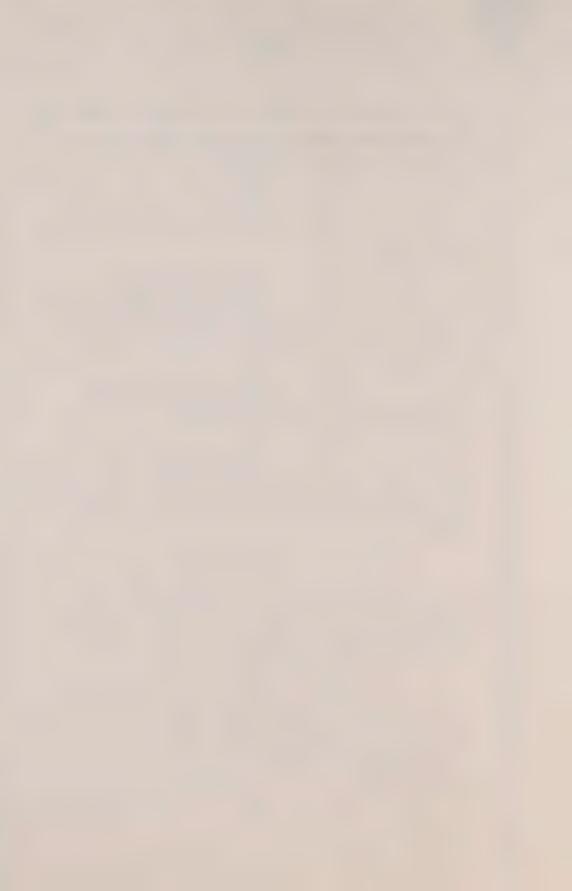
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would be?

believe that with respect to this dose of ampicillin it would have been anything other than the usual time of no more than one hour?

- A. Yes.
- Q. You do have reason that it
- A. No, no, I'm sorry.
- Q. And then the ampicillin, you gave a second dose again at 1:30 in the morning?
  - A. Yes.
- Q. And again that dose was originally prescribed for midnight?
  - A. Yes.
- Q. And the reason it was delayed was because of the initial delay in the 6 o'clock dose?
  - A. That's right.
- Q. And you had to wait an additional amount of time to make sure six hours had elapsed before the second dose was given?
  - A. Yes.
- Q. Could I ask you to turn to page 128 of the Estrella chart please, and that is your nursing note made for the long night shift of January 10th?
  - A. Yes.



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Q. About six lines down there is a heading "Nutrition".

A. Yes.

Q. And the entry is: "Tolerating SMA 24 21 cc by an NG tube Q3H."

Could you explain to me what that

entry means?

 $\hbox{A.} \qquad \hbox{That means she was fed by}$   $\hbox{NG tube every three hours.}$ 

Q. And the quantity that was given at each feeding?

A. 21 cc.

Q. 21 cc?

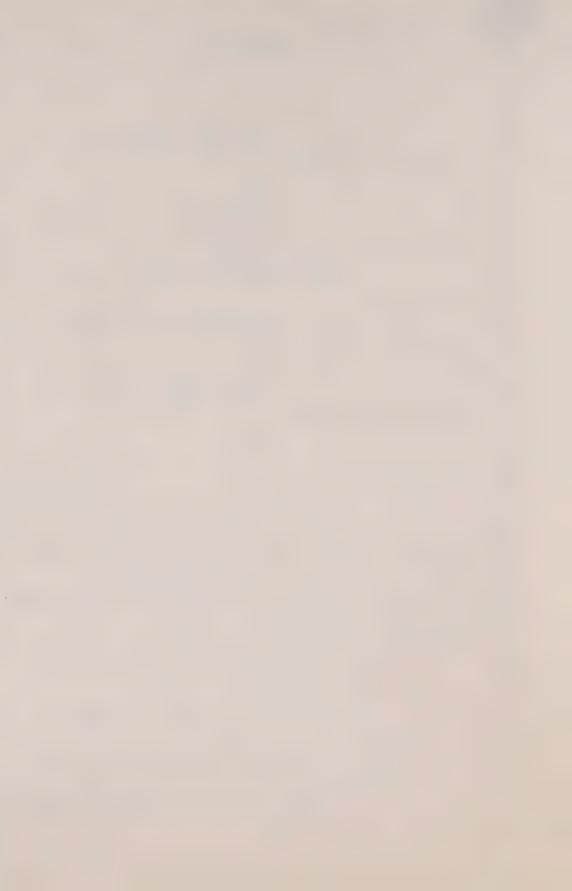
A. Yes.

Q. If I could then ask you to hold that page but also turn to page 215 of the chart which is the flow sheet. The last entry, at 3 o'clock, if you go over to the column in which there is handwritten:

"NG tube" the number "42" appears.

A. Yes.

Q. Am I correct in interpreting that as meaning that from the time you started your shift at about 7 o'clock until 3 o'clock the following morning 42 cc of liquid were given to the child through the nasal gastric tube?



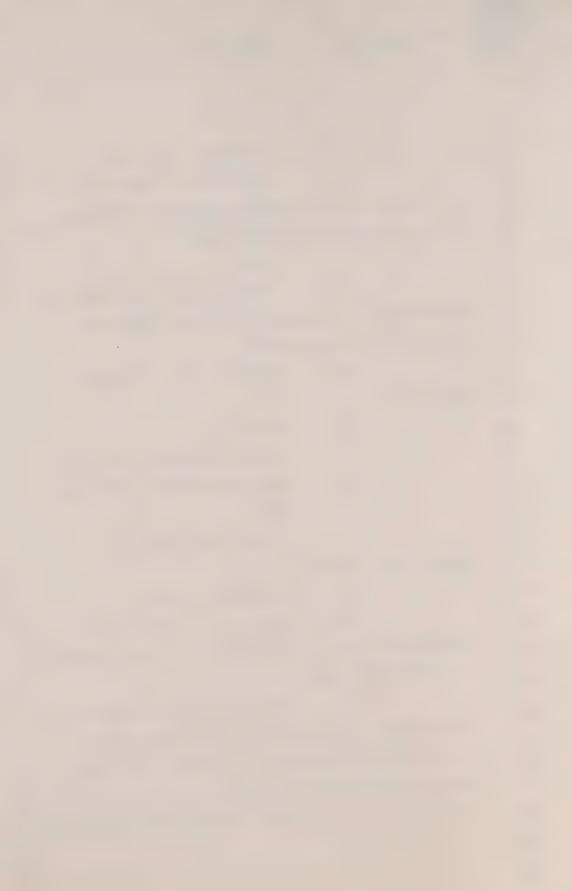
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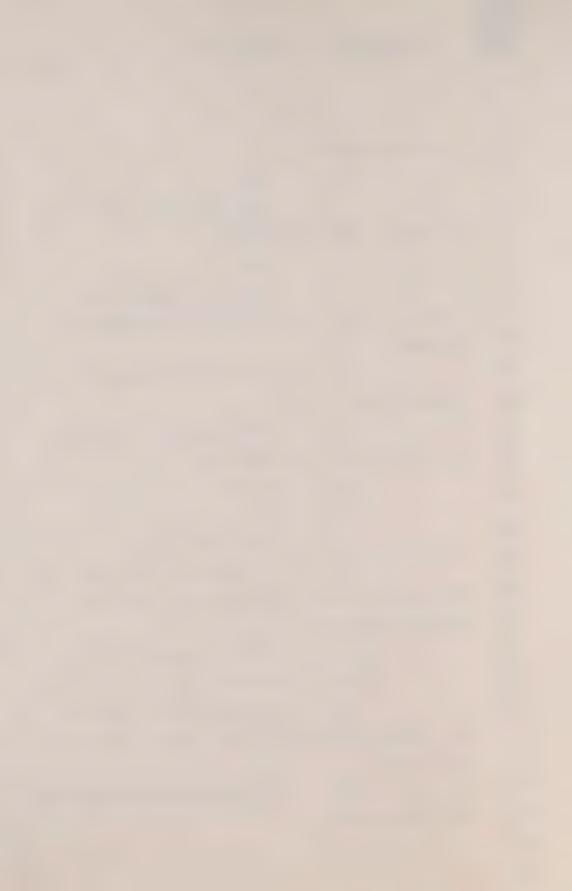
- A. Following that, yes.
- Q. And since the child was to be fed 21 cc at each feeding would that indicate you fed the child twice that night?
  - A. Yes.
- Q. The child was to be fed every three hours; do you recall the first time that evening you fed the child?
- A. Sometime when the parents were there.
  - Q. When the --
  - A. When the parents were there.
  - Q. When the parents were there?
  - A. Yes.
  - Q. Do you recall when the

parents were there?

- A. I think 8:30 and 10.
- Q. Could you describe to me please how you would feed formula to a child through a .nasogastric tube?
- A. We have a sort of buretrol, not buretrol, a syringe and you pour the formula into the syringe and there is a tubing connecting the syringe into the baby's nose.
  - Q. Now, you then pour the formula



1	
2	into the syringe?
3	A. Yes.
4	Q. The syringe is connected to
5	the tubing through the child?
6	A. Yes.
	Q. How is the formula then
7	allowed to flow into the child, do you push the
8	syringe?
9	A. No. You can regulate it at
10	a certain rate.
11	Q. And normally how long would
12	it take to feed a child that way?
	A. 21 cc?
13	Q. Yes.
14	A. About half an hour.
15	Q. And once the formula has been
16	fed to the child and the syringe was empty, what
17	would you then do?
18	A. I would flush it out.
	Q. And how do you flush it out?
19	A With some sterile water we
20	just flush the tube out so that the milk won't stay
21	in the tube.
22	Q. Do you put sterile water into
23	the same syringe?
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syringe.

## ANGUS. STONEHOUSE & CO. LTD. Scott, cr.ex. TORONTO, ONTARIO (Brown)

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A. W	nat do	you	mean?
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Q. How do you go about putting the sterile water into the . pasogastric tube?

A. Use a syringe, a different



Scott cr.ex. (Brown)

	R	ANGUS, S	TONEHO ORONTO.
84	1 2		
	3		
	4	push	the

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 $\Omega$ . A different syringe?

A. Yes.

Q. And then do you physically water into the nasogastric tube?

To flush it, yes.

And then after the tubing 0. has been flushed, what do you do with the tubing? Is there a cap that you put on it?

Yes, and leave it in the Α. baby's nose.

I see. So where this comes 0. out of the nose there is a cap you put on the tube?

> Yes. A .

0. And the capping would remain on that tubing --

Until the next feed.

-- until you fed the child Q.

the next time?

Yes. A.

Could I ask you a few Q.

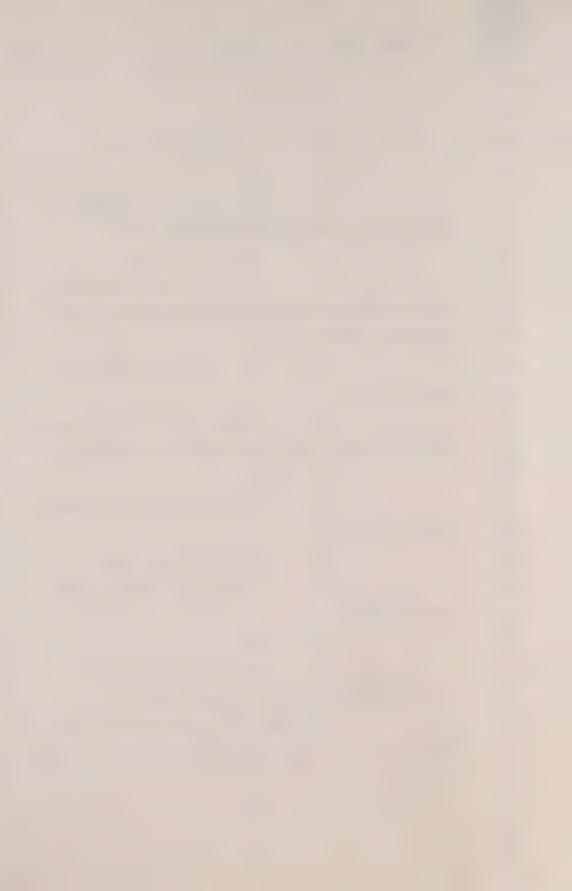
questions about the child Justin Cook.

You advised us yesterday that the child was due to have propranolol about six o'clock at night.

> A. Yes.

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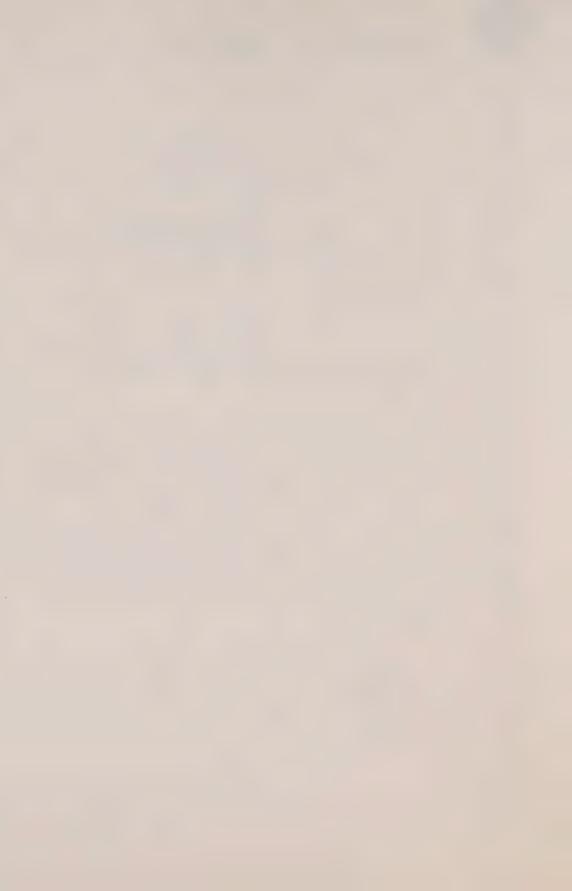
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- $\Omega_{\bullet}$  The propranolol in suspension form was not available on the fourth floor?
  - A. Yes.
- Q. You therefore went up to
  Ward 7G and obtained some suspension of proprancial
  from that ward?
  - A. Yes.
- Q. You advised us that you drew up the propranolol on the seventh floor into a syringe.
  - A. Yes.
- $\Omega_{\star}$  And you drew up an amount sufficient for two doses to be given to the child.
  - A. That's right.
- Ω. Because I believe you anticipated that the night nurse would have to give a dose so you did her the favour of drawing up that dose?
  - A. Yes.
- Q. You came down and you put a certain amount, the dose that you were to give, into a medication cup; is that correct?
  - A. Yes.
- Q. You then drew that medication into a syringe and went to Justin Cook and



administered it orally?

A. Yes.

Q. If I could ask you, please, to turn to page 17 of Justin Cook's chart which is the medication sheet, the first entry there for the propranolol, your signature appears on the 21st beside the six o'clock entry. Was that the dose of propranolol you administered to Justin Cook at 6:00 p.m.?

A. Yes.

 ${\tt Q.}$  Reading the inscription on the left the dose was to be 3 mg.

A. Yes.

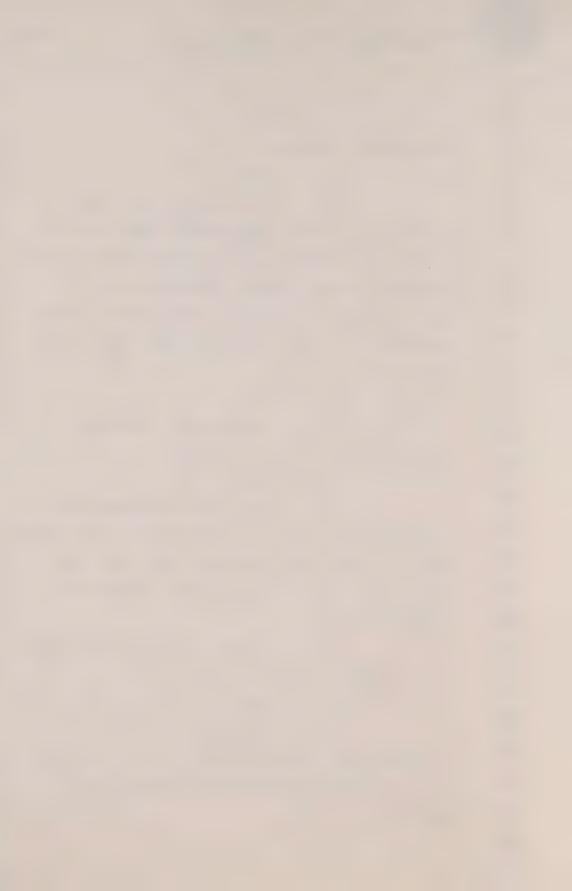
Q. Am I safe in stating that if you drew up two doses in the syringe on the seventh floor, you would have drawn up a total of 6 mg.?

A. Or a little bit more for, you know, wastage.

Q. I see. You then administered 3 mg. to Justin Cook at 6:00 p.m.?

A. Yes.

Q. And again would I be fair in stating that the amount left over in the syringe that you placed in the fridge would have been approximately 3 mg.?



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A. Yes.

Q. Because he was to receive that dose I guess the next time at two o'clock the following morning?

A. Yes.

Q. You advised us yesterday that you placed the syringe in the fridge but you had put a label on the syringe.

A. With the name of the drug and the concentration per cc.

Q. Did you initial that label or put your name on that label?

A. I can't remember but I usually do.

Q. And that would identify to the next nurse who had drawn up that medication?

A. Yes.

Q. So you may well have put some

identification --

A. Yes.

 $\Omega$ . -- on it that night?

A. Yes.

Q. That was your standard

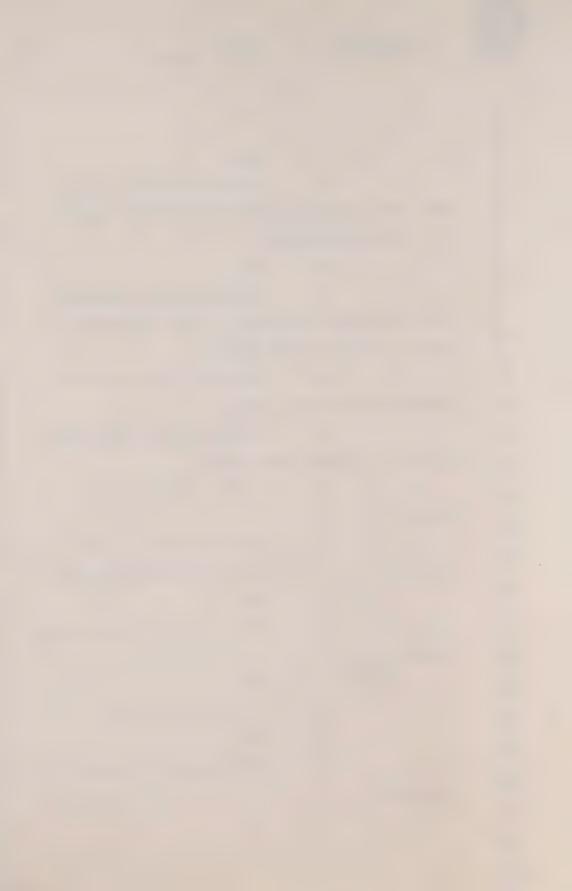
practice?

A. Yes.

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Q. Your counsel Mr. Rosenberg reviewed with you this morning your recollection of the vials of Inderol that were ordered to be left by Justin Cook's bedside. If I could ask you, please, to look at page 27 of the medical chart of Justin Cook, which is your nursing note. The last entry on your note -- oh, I'm sorry, do you have it?

A. Yes.

Q. "Inderol 1 mg./1 cc. at bedside". That was a notation that you made?

A. Yes.

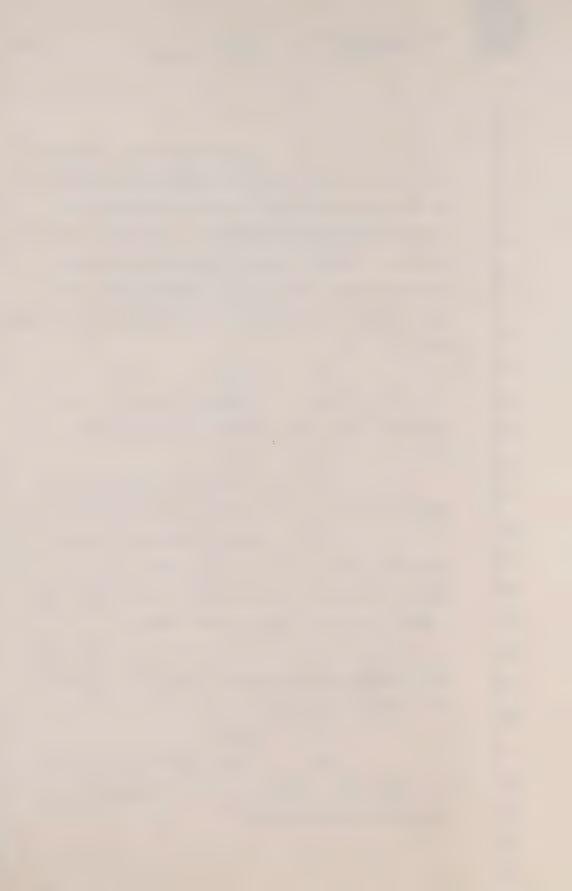
Q. And can you explain to me what you meant by that entry in the progress notes?

A. Well, the Inderol usually comes in 1 mg./l cc. in a vial, and I wrote it down there so that whoever read my notes knew that I left a vial of Inderol by the bedside.

Q. And is it your -- and indeed your notation there reflects the doctor's order that appears on page 14 --

A. Yes.

Q. -- of the medication chart that says 1 ml. - sorry, 1 mg. of propranolol is to be kept by the bedside?



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A.	Yes	0
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Q. And that is the doctor's order that you acted upon?

> Α. Yes.

And this morning it was 0. your recollection that you left the vial of Inderol beside Cook's bed?

> Α. I did not leave it.

0. No?

I said if it had been me, I would have left the vial without opening it --

> 0. Yes.

0.

-- by the bedise, but I A. didn't do that. It was the relief nurse who did. Do you recall who the relief

nurse was?

I don't recall her name. A.

0. And this would have been a relief nurse on your day shift?

> Yes. A.

Q. I believe yesterday you said that at the shift change that night for Justin Cook you gave a report of the child's condition to Susan Nelles.

> I was very busy that night so Α.





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when I gave the report to Marie Mandal, I told her to give it to Susan but when Susan walked in I might have given her a few verbal instructions.

Q. Marie Mandal was your team leader on the day?

> Α. Yes.

So you would have given her --0.

Α. The reports of Justin and all

the other kids that I had.

And she may well have 0. advised Miss Nelles about that?

> Yes. Α.

0. And I would take it as a constant care nurse you would be with the child until you were relieved by the --

Yes, I was beside Justin Α. doing my progress notes and then Susan came in.

> At that time you may well 0.

have --

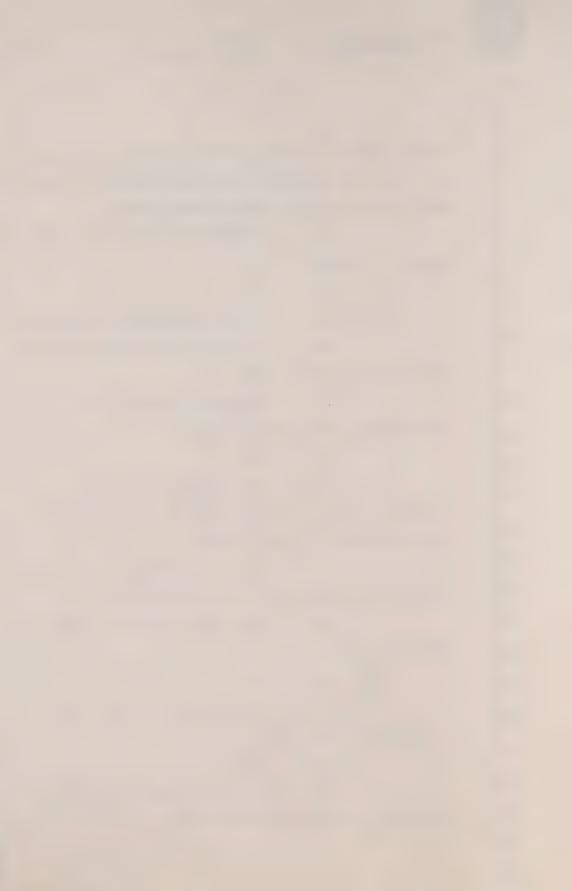
A. Yes.

Q. -- briefed her as to the condition of the child?

> A. Yes.

MR. BROWN: Thank you, Mrs. Scott. Those are all the questions I have.

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THE COMMISSIONER: Miss Forster?

## CROSS-EXAMINATION BY MS. FORSTER:

Q. Mrs. Scott, my name is
Elizabeth Forster and I act on behalf of Phyllis
Trayner.

I want to ask you first about Baby
Taylor. I believe you indicated that you were a
relief nurse on Ward 8E the night that child died?

A. Yes.

Q. And you also indicated that you were not on the fourth floor at all that evening?

A. No.

Q. Can you tell me when you found out that you would be a relief nurse for that shift?

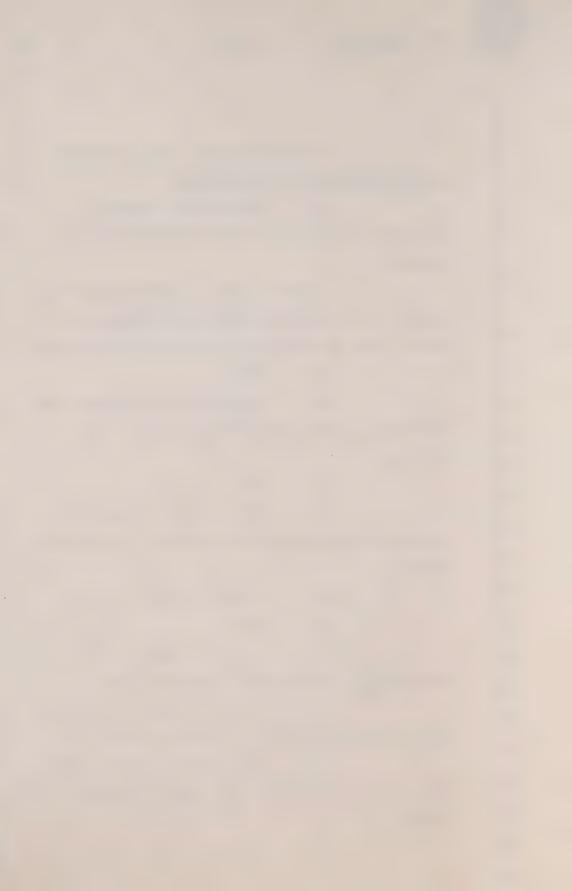
A. I came on duty --

Q. Yes.

A. -- and I looked at my assignment in 4A and then I went upstairs.

 $\Omega_{\star}$  . So in fact you were on the floor at the beginning of your shift, were you?

A. Yes. When I said I hadn't been back to 4A, I didn't go back to 4A after I went to 8E.



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2.	You	did	not	go	back	to	4A3

- A. No.
- Q. Now dealing with Baby Gage for a moment, you have indicated that Mrs. Trayner fed that baby once at your request.
  - A. Yes.
- Q. And you indicated yesterday that you couldn't recall whether that was before or after your break and you told your counsel this morning that you thought it was about 1:30, before your break.
  - A. Yes.
  - Q. Can you tell me how Mrs.

Trayner was feeding the baby?

A. I asked her to feed the baby

for me.

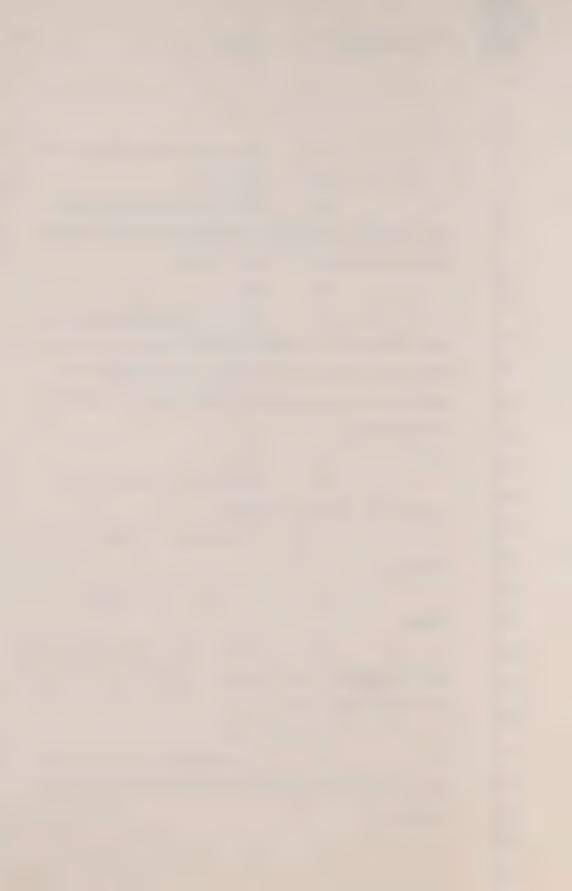
Q. Did you see her feeding the

baby?

A. When I said I saw her sitting down there and fed the baby, and yesterday I wasn't very sure what time --

Q. Yes.

A. -- but now I went over the chart and I saw my first feed was given at 2130 so he was --



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Q. I think you misunderstood me.

All I want to know is, did you actually see Mrs.

Trayner feeding the baby?

A. I recall her sitting down

feeding the baby.

Q. All right. And how was she

feeding the baby?

A. Sitting on the rocker.

Q. All right. With the baby

in her arms?

A. Yes.

Q. Was she using a bottle?

A. I can't remember that.

Q. Do you recall what she was

feeding the baby?

A. Formula.

Q. The reason I ask -- do you

still have the Gage chart in front of you?

A. Yes.

Q. Could we turn to page 65.

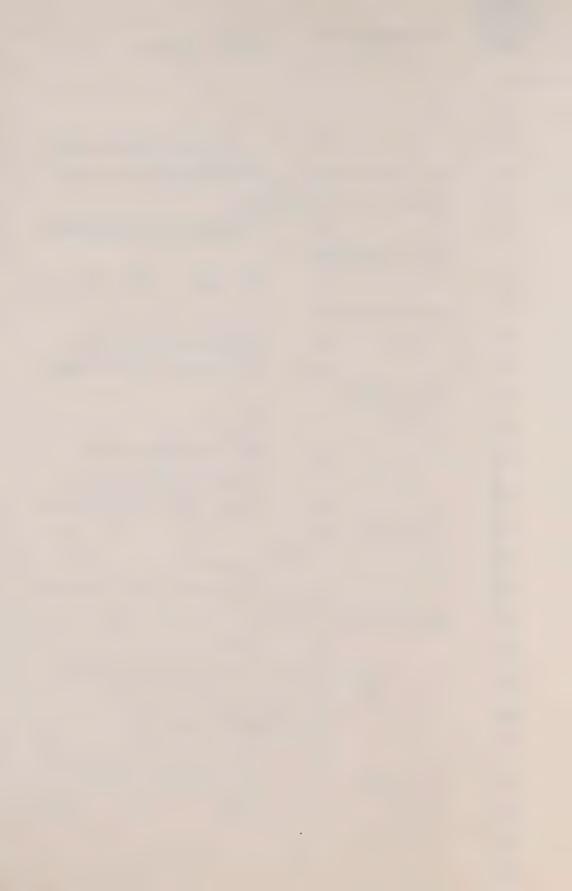
THE COMMISSIONER: Sorry?

MS. FORSTER: Page 65.

Q. That is your nursing note

for 24/9/80.

A. Yes.



a bottle.

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Q. And you read out part of that this morning and it indicates, "Babe was first fed SMA via NGT...", which is nasogastric tube?

A. Yes.

 $\Omega_{\bullet}$  . Was the child being fed by nasogastric tube?

A. Yes.

Q. Would there be any reason then for Mrs. Trayner to be using a bottle?

A. I didn't say she was using

Q. Was she feeding the baby through the nasogastric tube?

A. Yes, but you could carry the baby on your knee, on your lap, even though he was being fed by NG tube.

Q. Was it your recollection that she was feeding the baby via the nasogastric tube?

A. I have a recollection of seeing her with the baby in her arms on the chair.

 $\ensuremath{\mathtt{Q}}_{\bullet}$  . And do you have any recollection of how she was feeding the baby?

A. No.

Q. All right. I take it if the baby was supposed to be fed by nasogastric tube, if

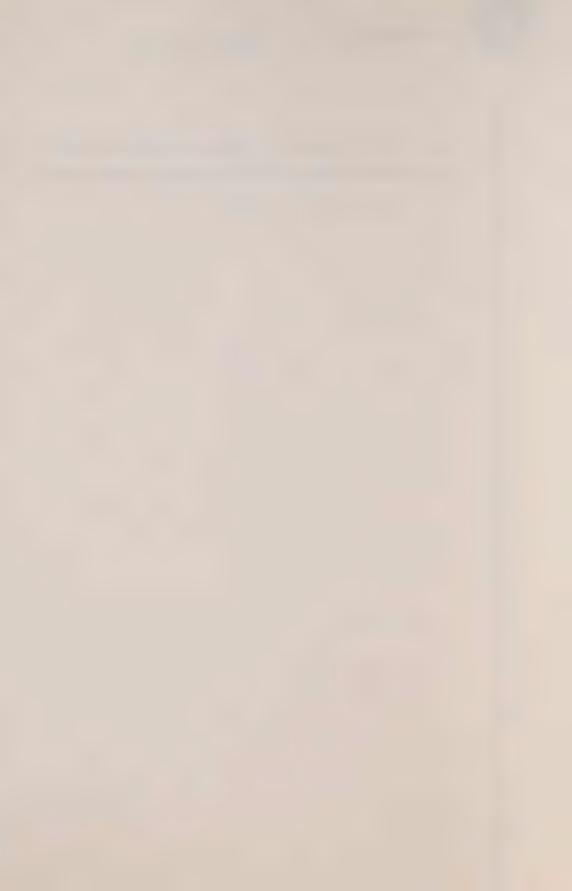






you are a ling the baby with a bottle, that is saw that would have stuck in your memory?

Yes.



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Q. Next dealing with Baby Estrella for a moment. You indicated to Mr. Lamek yesterday that if a baby was on constant care nursing the RN who was in charge of that baby would be relieved by another RN when she wanted to take her breaks?

A. Yes.

Q. And Mr. Lamek asked you if a constant care nurse was ever relieved by an RNA and you said not for coffee or lunch. Do you recall that evidence?

A. Yes.

Q. All right. Are there times when an RNA will relieve a constant care nurse other than for coffee or for lunch?

A. When you go to the bathroom.

Q. All right. For shorter

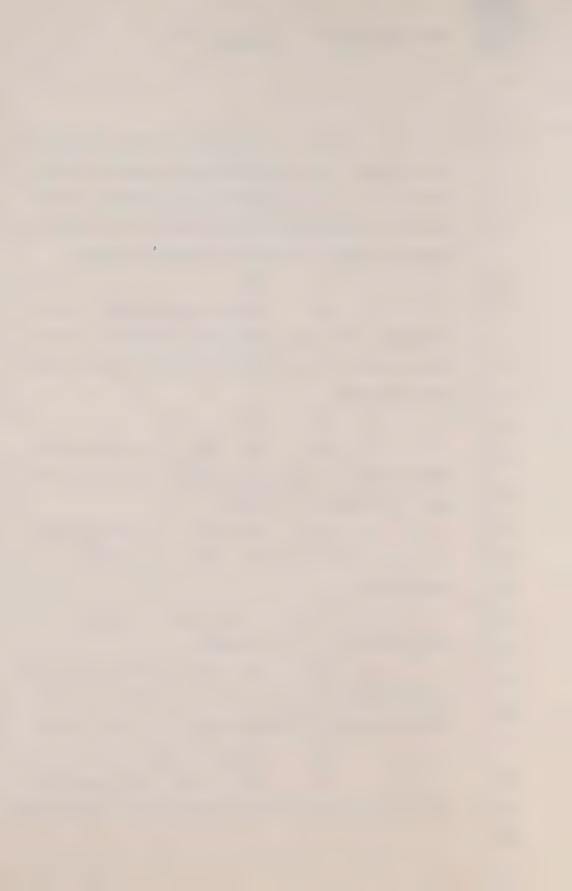
breaks then?

A. Or when you go to the medication room to get something.

Q. All right. Are you aware of any instances where an RNA has relieved an RN on constant care for a coffee break or a lunch break?

A. Could you repeat that?

Q. Was it ever your experience on the cardiology wards that an RNA would relieve an



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RN on her break if the RN was on constant care?

I believe you told us yesterday that Miss Ganassin had been in charge of the child on the long day shift?

Yes.

All right. Did you know a Miss

A. Yes.

Q. And was she an RN or an RNA?

A. RNA.

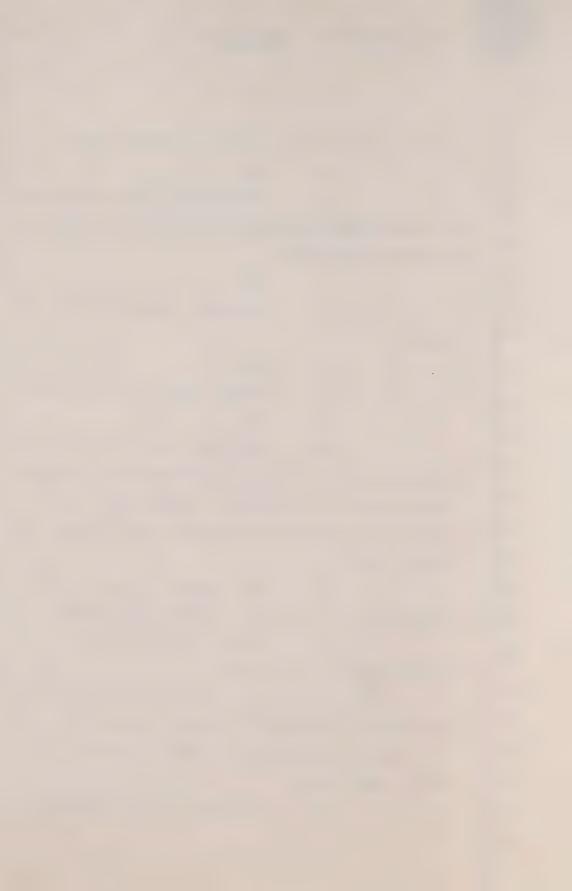
Q. All right. And if I told you that Miss Cooney testified at the preliminary inquiry that on the long day shift she relieved Miss Ganassin twice, once for coffee and once for lunch, would that surprise you?

A. No, because they can relieve during the day where there are many people around.

Q. What is the distinction between day and night shifts?

A. Well, during the day there are more RN's and therefore if an RNA relieved the and the baby goes into trouble or something she can get help easily.

Q. All right. Is it a common

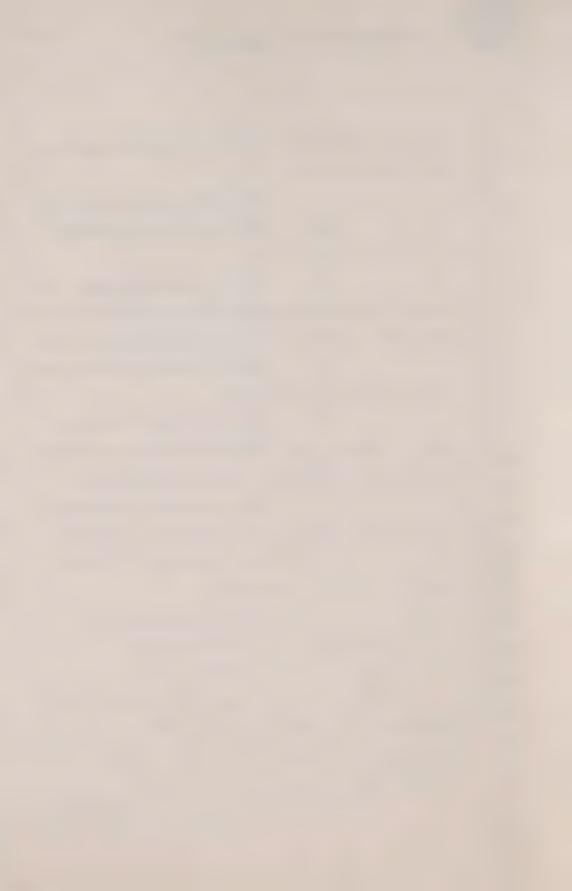


practice in the day time for an RNA to relieve an

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3	RN on constant	care?	
4		Α.	Not common but it could be.
5		Q.	Not out of the ordinary?
		Α.	No.
6		Q.	I am a little confused. If
7	there a second	RN's on	duty in the day time why would
8	you look to an	RNA to r	relieve you on constant care?
9		A.	Well, sometimes the RN's are
10	busy and the RN	A is not	t busy.
11		Q.	But if you have a greater
12	supply of RN's	to draw	from why would you not stick
13	to the evening	practice	e of getting another RN?
		Α.	Well, at night time usually
14	you have more p	atients	than you have on days and
15	since the team	leader h	has no patients it's more
16	practical for h	er to re	elieve.
17		~	You just indicated your
18	patient load is	heavier	r in the evenings?
19			At nights, yes.
20			I take it the patient load
			is often different, that the
21			a heavier patient load in
22	terms of number	of pati	ients than RN's?
23		A.	No. It all depends on how
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Scott, cr.ex. (Forster)

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24 25 sick your babies are. If you have four sick babies you can have six or seven babies but if you have older kids who are quite well and are ready to go home, it doesn't matter if you have eight or nine.

0. And the sicker babies are usually assigned to the RN's as opposed to the RNA's are the; it

> A. Yes.

All right. Can you tell me what on average the difference between your patient load as an RN would be between day and night shift, how many patients would you usually be assigned to in a day shift as opposed to night shift?

> Usually three. A.

0. And on night?

On nights four or five.

Now, you also indicated that 0. the evening that Baby Estrella died you saw Phyllis Trayner in that baby's room twice before the arrest. I believe you said the first time was when Mrs. Trayner relieved you for coffee?

> Α. Yes.

And you thought that was 0.

about between 10 and 10:30?

Yes. A.



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hild	the	medic	ation	n at	10	and	you	wei	ce	back	at	
0:30	to d	lo vit	al si	gns	?							

A. Yes.

Q. And the second time Mrs. Trayner relieved you was for lunch?

A. Yes.

Q. And you indicated that you thought that was between 1:30 and 2?

A. Yes.

Q. And again you said that was because you knew that you had given ampicillin at 1:30 and again you had been back in the room at 2 o'clock to take the vital signs?

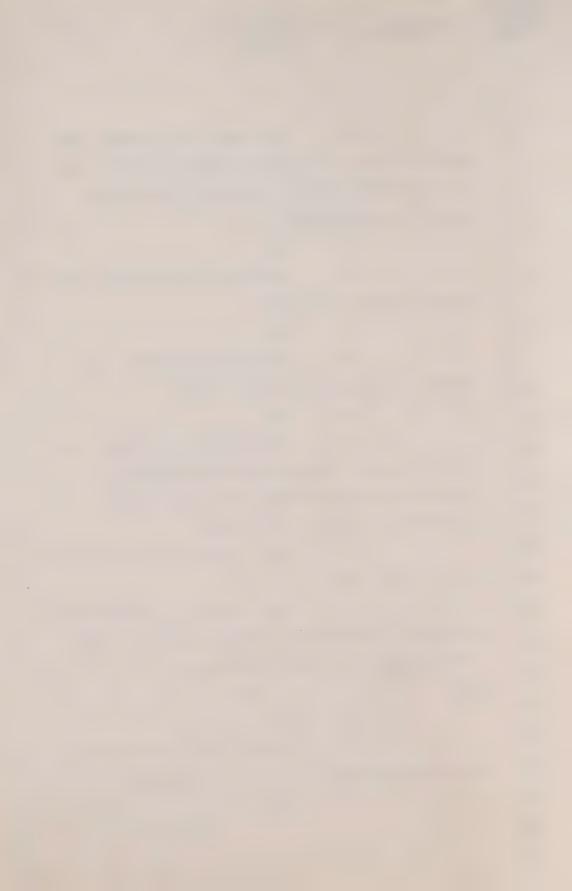
A. Yes, and the movie was finished then by that time.

Q. Okay. Now, you also indicated that about 2 o'clock Mrs. Trayner came out to the nursing station when she was supposed to be relieving you?

A. Yes.

Q. And that you poured yourself a cup of coffee and went back into the room?

A. Yes.



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Can you recall how long it was between the time Mrs. Trayner came out and you went back in?

Not more than five minutes.

All right. And you mentioned that Mrs. Trayner had turned on the intercom?

Yes.

Q. Can you tell me what the

A. An intercom is connected to all the room. So, if you want to connect to one room you press the number of the room.

Q. And where is this that you press the number of the room?

A. The intercom was on the nursing desk.

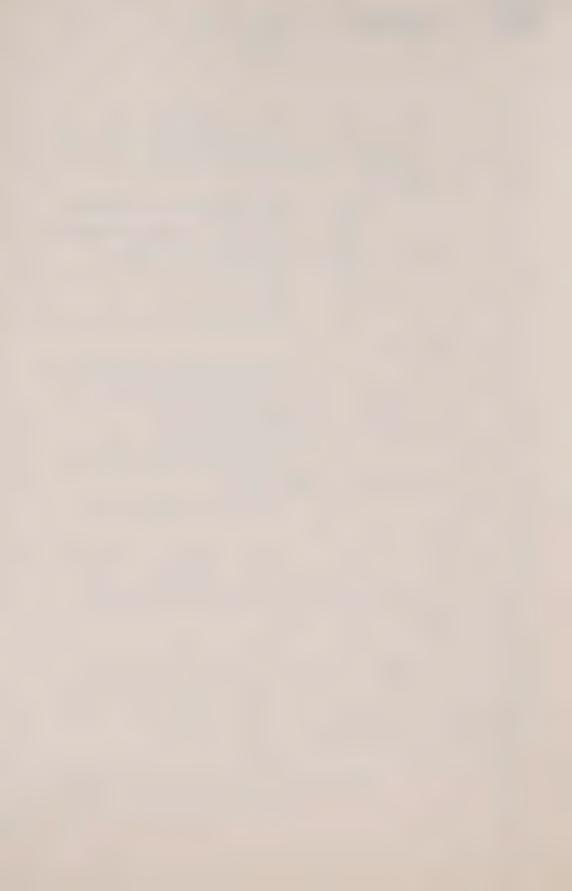
Q. Okay. And what is there, a speaker system between the nursing desk and each room?

A. Yes.

Q. All right. And once you press the button for that particular room can you hear what's going on in that room?

A. Yes.

Q. Can you hear quite clearly?





Scott, cr.ex. (Forster)

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1 Yes.

0. All right. Did you at any time hear the baby crying while Mrs. Trayner was out there before you went back?

A. No, but it was only about five

-No, but what?

A. No, I didn't hear her crying.

Q. Other than that period that

you said was not more than five minutes was the baby left, to the best of your knowledge?

> Yes. A.

Yes it was? 0.

Yes, both of us were outside. A.

I said other than that one 0.

period?

minutes

A. Oh, no, no.

O. You also told Mr. Lamek

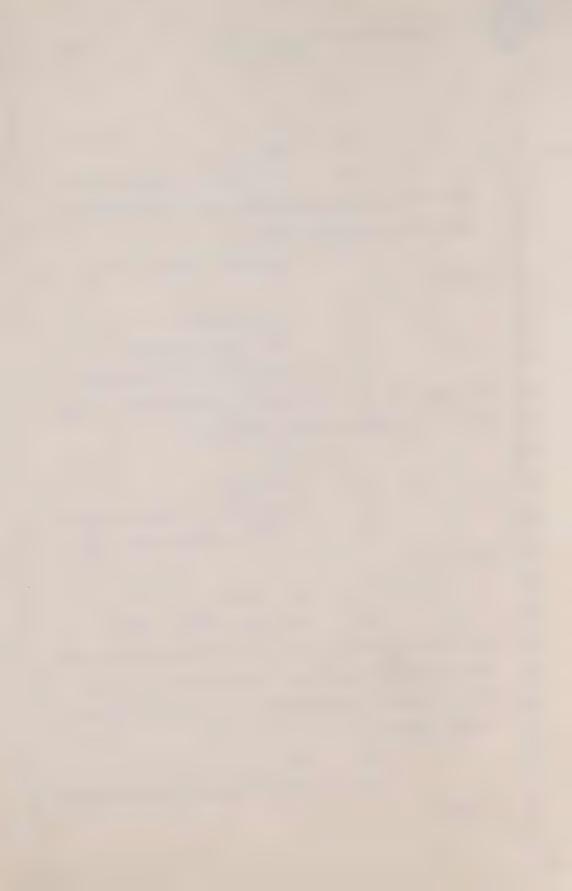
yesterday when he was asking your about Baby Estrella that you didn't expect the child to die that night but considering her condition you weren't surprised. Is that right?

> Yes. Α.

Can you tell me what you meant Q.

by that?

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3	arrest earlier	on a	nd s	she	had n	ever	bee
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5		Q.		She	also	sufi	fere
6	Syndrome						
7		A.		Yes	•		
		Q.		And	she	had p	pne
8		A.		Ic	an't	remer	nbei
9		Q.		All	righ	t. I	00 2
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11		A.		Yes	•		
12		Q.		Pag	e 12,	whic	ch i
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	sentence in the	e fir	st p	ara	graph	on p	page
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20	referring to?						
		Q.		It'	s the	firs	st p
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22		A.		Yes			
23		Q.		And	it's	the	las
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respiratory en well post ed from Down's

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is part of the the last e 12. It

> factor may ng to the nial pneumonia." your memory?

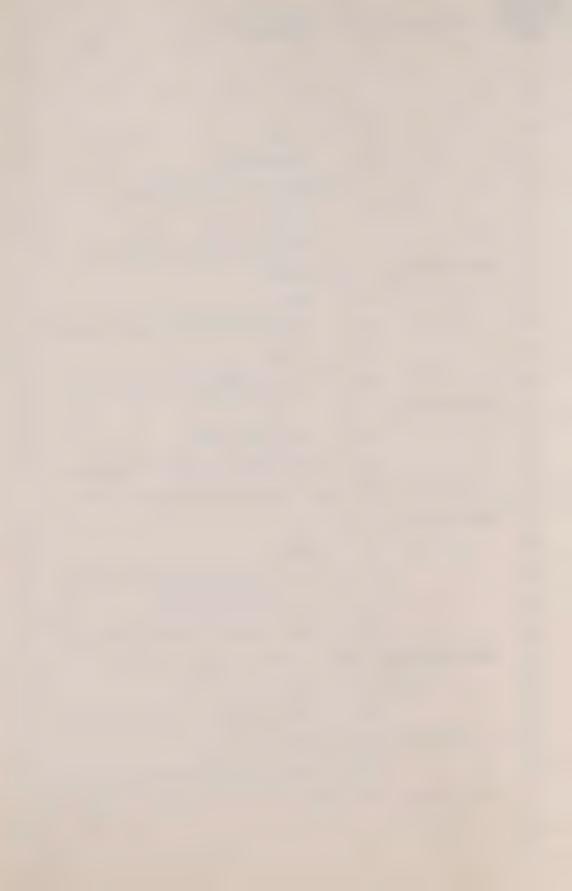
are you

paragraph on

st sentence?



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2	Yes.	
3	Q. Beginning:	
4	"A further contributing factor"	
5	A. Yes.	
6	Q. Do you recall now that she	
	was suffering from pneumonia?	
7	A. No.	
8	She was on antibiotics however	r
9	A. Yes.	
10	Q. Do you recall why she was on	
11	antibiotics?	
12	A. Not right now.	
	Q. All right. And you indicated	Ĺ
13	I believe that she had a respiratory arrest a few	
14	days earlier?	
15	A. Yes.	
16	Q. And a Code 25 had been called	?
17	A. I think it was a 23.	
18	Q. Well, again, can you turn to	
19	page 120 of the chart. Have you got page 120?	
	A. Yes.	
20	Q. Can you read out the first li	ne
21	of the doctor's note on that page?	
22	A. Yes, 25. But we called a 23	
23	first because I was there.	



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Q. But a 25 was called?

A.

Later on, yes.

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Q. All right. And you would

agree with me then that she was a very sick child?

A. Yes.

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Q. All right. And Dr. Rowe

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indicated when he gave evidence here that she was one of the sickest and most difficult babies they

had had to manage. I take it you wouldn't disagree

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with that assessment of Baby Estrella?

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A. No.

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Q. I next want to take you to

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Baby Cook. You have indicated to Mr. Brown and to Mr. Lamek that the dose of Inderal you gave the child

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at 1800 hours was the Inderal that you obtained from

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Ward 7G?

Yes. A.

16 17

Q. Okay. And it was shortly

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after that about the same time that the child

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A. Yes.

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Q. And you recall Dr. Jedeikin

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coming into the room?

suffered a blue spell?

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Yes.

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Did Dr. Kantak also come into 0.

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Scott, cr.ex. (Forster)

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vial?

the room at that time?

Yes, but later.

- Q. Okay.
- A. I think when I was in the medication room and Marie Mandal panicked so, she calls and.
- Q. But when you say Kantak came later, are we talking a couple of minutes?
  - A. Yes, a couple of minutes, yes.
  - Q. All right. And was it Dr.

Jedeikin or Dr. Kantak who gave the baby more Inderal by IV push?

A. Well, I don't recall, but it was Dr. Jedeikin who wanted the Inderal.

Q. All right. And where did the Inderal for the IV push come from?

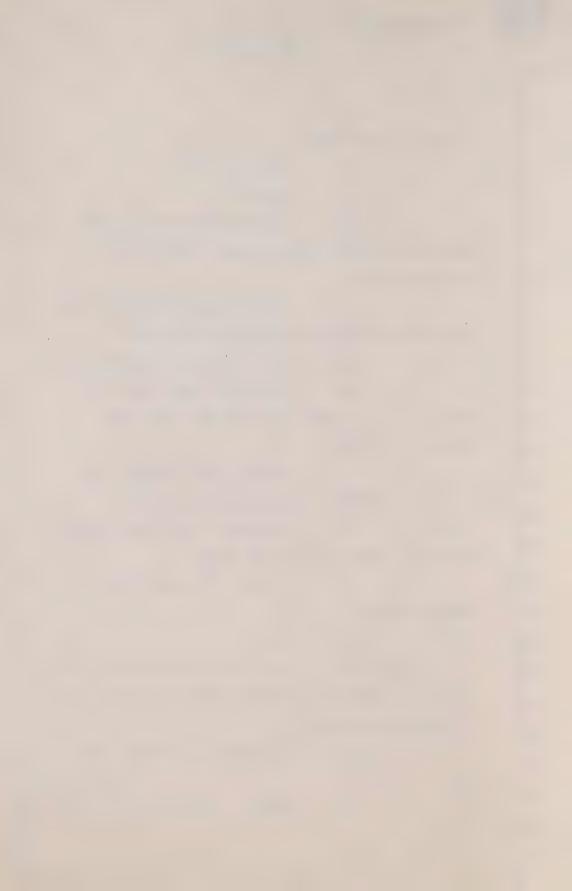
A. I went to the medication room to get it.

Q. Yes.

A. And when I returned with the vial Marie Mandal was already drawing it. She got it from the crash cart.

Q. I am sorry, it came from a

A. Yes.



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	21	And is that a different kind
of Inderal	than the	Inderal you had given the baby?
	Α.	Yes.

Inderal?

- A. Suspension, yes.
- Q. And the Inderal in the vial

You had given the baby oral

was for

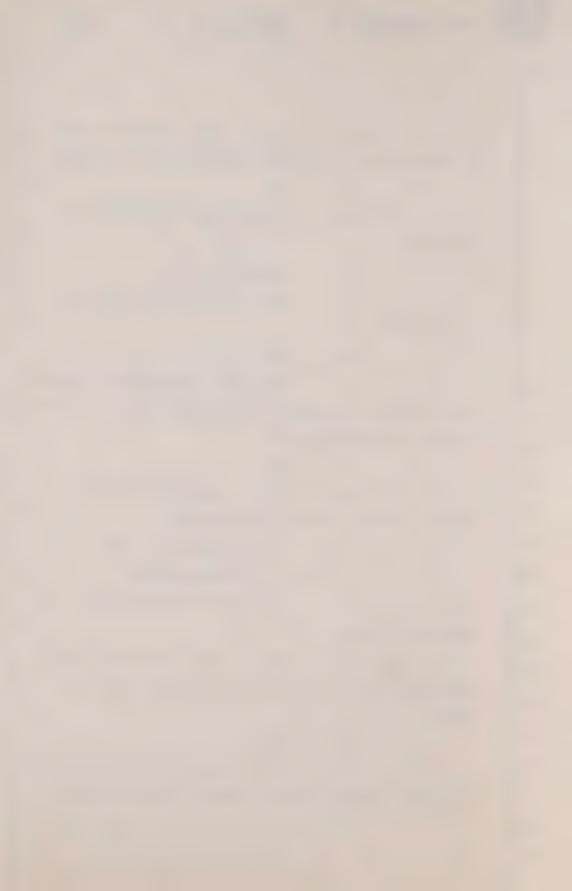
- A. For IV, yes.
- Q. And then I believe you indicated that you took the vial of Inderal that you got and put it back on the crash cart?
  - A. Yes.

Q.

- Q. Okay. And you put the rest of the oral Inderal in the refrigerator?
  - A. In the medication room.
  - Q. In the refrigerator?
- A. We have a regrigerator in the

medication room.

- Q. Okay. And it was after this blue spell that constant care was ordered for Baby Cook?
  - A. Yes.
- Q. Okay. Now, you were also asked about the Inderal that was taped to the bed and you





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ind had asked a relief nurse to got that was to be kept by the bedside?

Yes.

And you couldn't recall who

No.

Do you have the WIN sheets

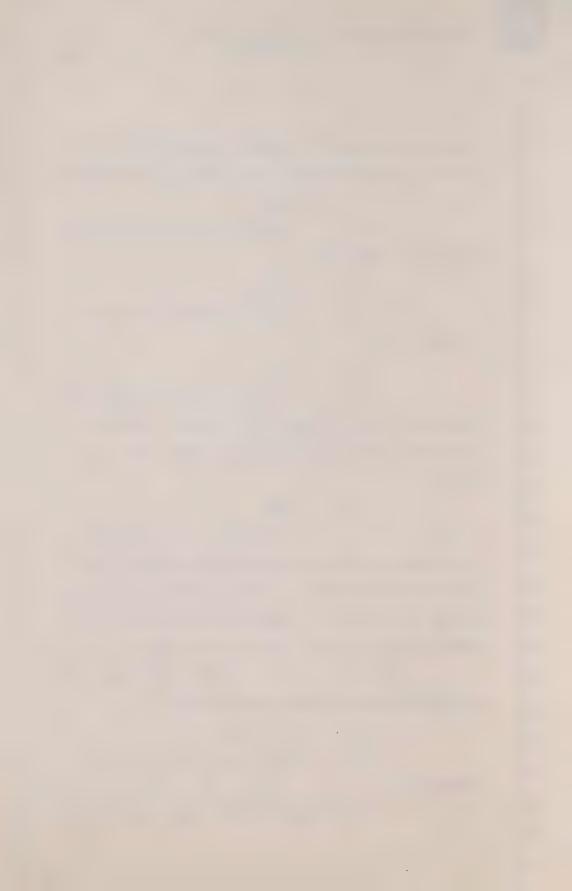
No.

in court of the

- Q. I wonder if the witness could be given a copy of Exhibit 335 please. Could you turn to the WIN sheets for March 21st. Have you got that?
  - A. Yes.
- Q. All right. It appears that the nurses on the day shift on the 21st were Miss Mandal, Miss Partridge is shown as being ill, Miss Cooney and yourself. Does that help refresh your memory as to who might have got the Inderal?
- A. No. I think the relief nurse was the one who replaced Miss Partridge.
  - Q. All right.
  - A. She was ill, so, we needed

another RN.

THE COMMISSIONER: Well, that will



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surely be on the assignment book. Have you got 32?

FORSTER: Yes. I wonder if she could be shown the assignment book, please.

THE COMMISSIONER: That is 32A, is

it?

ANGUS, STOMEHOLIES D. CO.

MS. FORSTER: Yes. If you could turn to page 17

THE WITNESS: This is the wrong one.

MS. FORSTER: Q. I'm showing you what appears to be the assignment book for the 21st of March and it has for the day shift Miss Mandal in charge?

A. Yes.

Q. And three other nurses on duty, Palmer, Cooney and yourself?

A. Yes.

Q. And is it Miss Palmer who would be the relief nurse covering for Miss Partridge?

A. Yes.

Q. And you see that Miss Partridge's name has been stroked out and Miss Palmer's name has been replaced?

A. Yes.

Q. And would Miss Palmer have been the nurse that you requested to get the Inderal?



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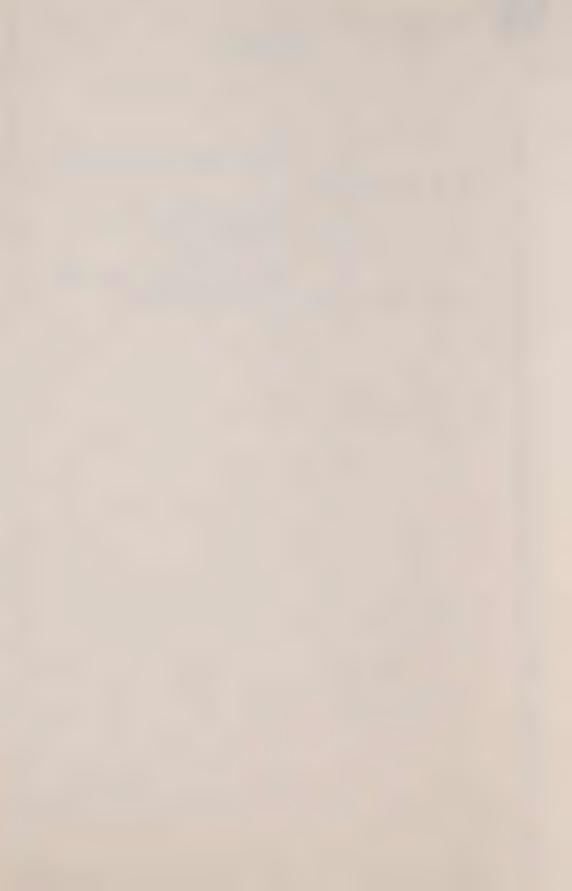
A. Yes.

Q. Do you recall if Miss Palmer

She must have been an RN,

others. The both have asked her.

Now, you said that you never saw the Inderal taped to the end of the bed? A. No.



Scott, cr.ex.

You indicated, I believe, that you had asked Miss Palmer to do this at about twenty to avail

A. Well, about that time when I

Q. You were busy with your charts?
Yes.

Q. And who was caring for Baby Cook while you were doing your charts?

A. I was sitting beside Cook.

Q. So you were sitting there while Miss same that out and got the medication?

A. Yes, I think so.

Q. Did you remain by Cook's bedside until you were relieved by Miss Nelles?

A. Yes.

Q. And do you recall what you said to Miss Palmer about the Inderal?

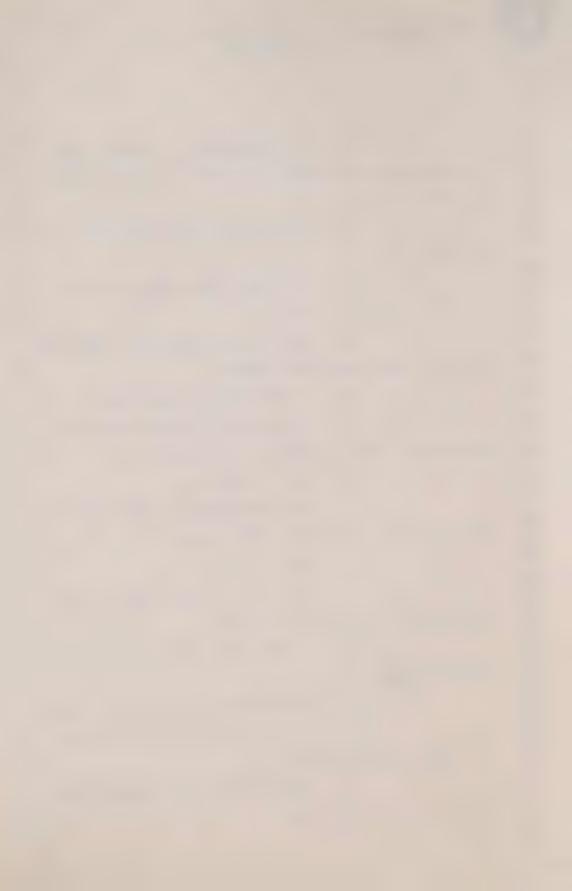
A. I just said, would you get it for me, please.

Q. Did she then return to the room?

A. I don't recall her doing that,

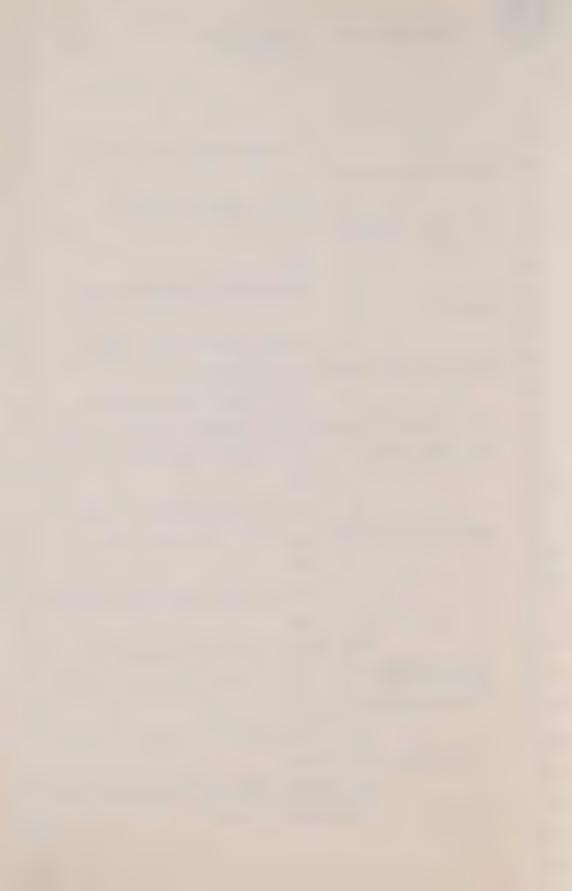
I presume that she did it.

Q But you have no recollection of her returning to the room?



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2	She might have, but I dcn't
3	spec.::
4	Q Do you recall Miss Nelles
5	arriver and a large state of the state of th
6	Yes.
7	And did you give Miss Nelles
8	repol :
	A. I don't recall, but I most - it's
9	possible that I gave her some report.
10	Q. If the baby was on constant
11	care nursing you wouldn't be allowed to leave the bed-
12	side until someone came to relieve you, would you?
13	A. No.
14	Q. So it is reasonable to assume
15	then that you stayed until Miss Nelles arrived?
	A. Yes.
16	Q. And you gave Miss Nelles report?
17	A. Yes.
18	THE COMMISSIONER: Excuse me just
19	a moment; Miss Palmer, did she get it for you or did
20	she administer it?  THE WITNESS: No, she didn't administer
21	it, she just got it ready.
22	THE COMMISSIONER: She merely got it?
23	THE WITNESS: Yes.
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ANGUS, STONEHOUSE & CO. LTD. TORONTO, ONTANIO



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FORSTER: Q. And at the time that you left that evening you have no recollection of seeing a syringe taped to that baby's bed?

You have no recollection at all of Miss Palmer returning with the Inderal?

No.

No.

Now you also told us that after the contract shift on March the 25th?

A. Yes.

 ${\tt Q.} \qquad {\tt Because \ of \ the \ stress \ the \ team}$  was under:

A. Yes.

 $\ensuremath{\mathfrak{Q}}$  . Was it your understanding that the rest of the team was told not to come to work as well?

A. Yes.

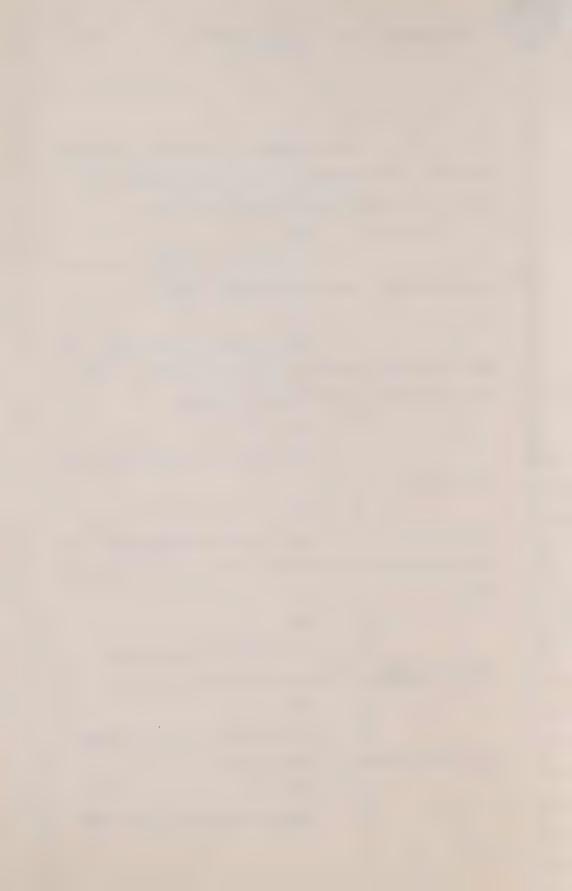
Q. You indicated that you did return to work the following Monday?

A. Yes.

Q. And did the rest of the team also return except for Miss Nelles?

A. Yes.

Q. And were there any other rash



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of deaths on the ward	from that time on?
	No. We had a few events but
they	
	They came round?
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8	By coming round you mean the
do to	
	Yes.
	Now I want to deal with the pills
	. You told Mr. Lamek yesterday
	sat down to eat a salad that you
	sat down to eat a salad that you
brought from home?	Vac
Α,	Yes.
Q.	And Mrs. Trayner sat down with
you?	
Α.	Yes.
Q.	This was at the back of the
nursing station?	
Α.	Yes.
Q.	Do you recall anyone else being
there?	
A.	I don't.
Q.	If Mary Jean Halpenny testified
at the preliminary th	at before sitting down for lunch
she went down with Ph	yllis Trayner to warm up Trayner's





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soup at the microwave, came back up to the 4th floor and sat down with Mrs. Trayner and yourself at the nursing station, does that refresh your memory as to whether Mary Jean Halpenny was there?

A. She might have been. I recall Phyllis talking to somebody but I can't recall who.

Do you have any reason to dispute Miss Halpenny's testimony that she was there with Mrs. Travnel

> No. A.

And also Mary Evelyn Barnett, do you know her?

Yes.

If she also gave evidence at the preliminary that she too went down with Phyllis and Mary Jean to the microwave, came back up, sat with you and Phyllis and Mary Jean Halpenny, and she was there until the pills were discovered, does that refresh your memory as to whether Ms. Barnett was there?

I don't recall her being there but she must have been there because she came into the room and called me.

Do you have any reason to dispute Ms. Barnett's evidence that she was there the whole time?

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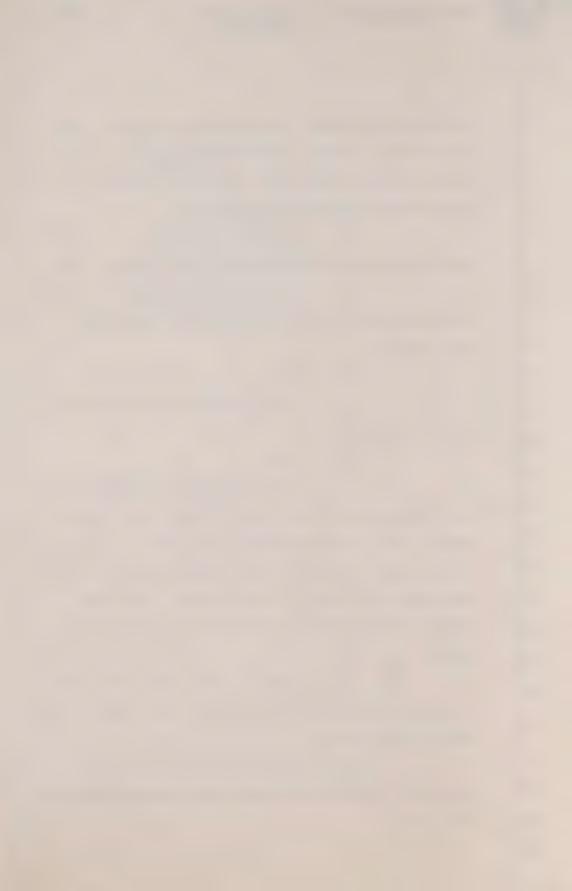
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A. No.

FORSTER: Mr. Commissioner, the preliminary reference to Miss Halpenny is at Volume 9 of the Preliminary, page 69; and Ms. Barnett's evidence is found at Volume 16, page 112.

Q You also indicated that you tasted Mrs. Trayner's soup before you got up to leave the table

A. Yes.

Q And you indicated that before you tasted it you stirred it?

A. Yes.

Q. Were you stirring it up from the bottom, or just --

A. I just stirred the soup nearest

Q. Pardon me?

A. I stirred the soup nearest to me.

Q. But you were not dredging it up

from the bottom?

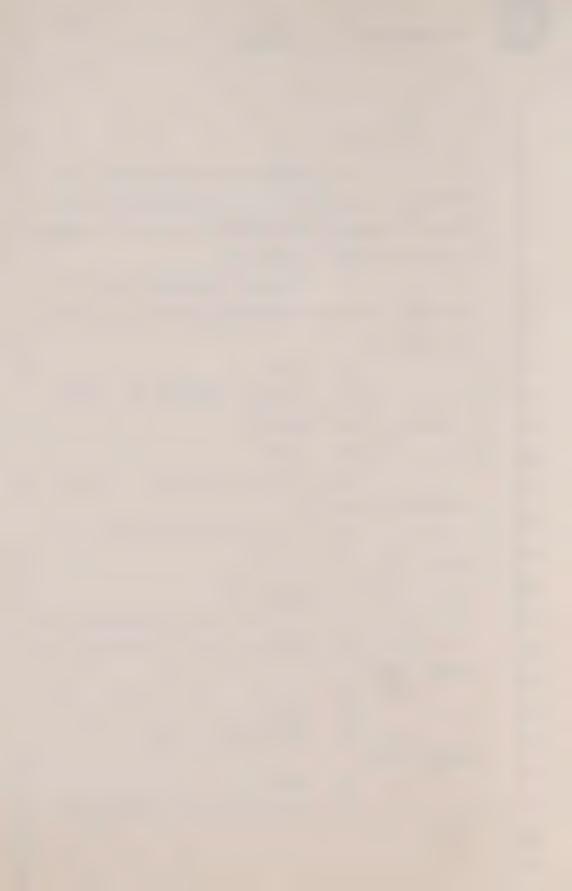
A. No.

Q. You said you thought it was

chicken noodle?

A. Yes.

0. Are you sure it was chicken



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noodle and not a thick soup?

It was a thick chicken noodle a clear soup.

It was not a clear soup?

I couldn't see anything so I had

Was it like Campbell's chicken

see.

A. Yes.

Q. Or was it thicker?

A. I don't know but I couldn't see

anything without stirring it.

Q. And you mentioned after the pills were discovered that a doctor at the Hospital took blood tests.

A. Yes.

Q. Before you went to Toronto

General?

A. Yes.

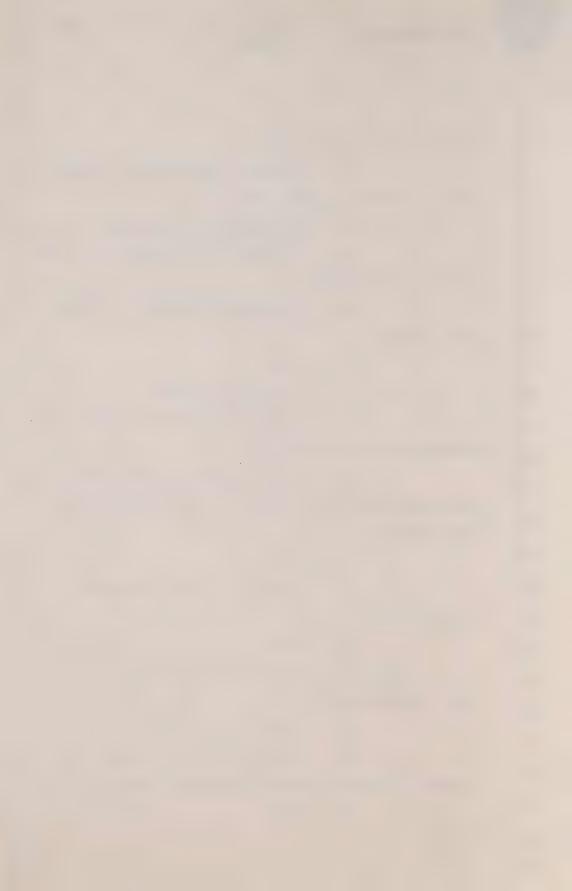
Q. Did he take blood tests of

Mrs. Trayner as well?

A. Yes.

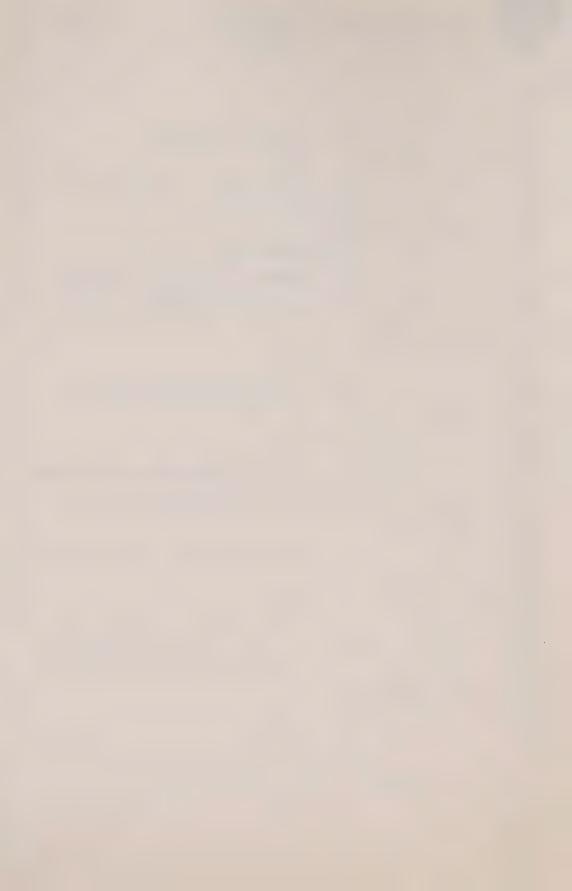
Q And were you aware that before you went to Toronto General that Mrs. Trayner was sick?

A. No.



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2	Ω That she vomited?
3	A. No.
4	THE COMMISSIONER: I am sorry, the
5	answer to that was?
6	THE WITNESS: No.
	MS. FORSTER: Q. And you mentioned
7	the the four pot to the Toronto General you had your
8	stemach , w .i.
9	A. Yes.
10	Ω This was after the doctor did
11	an ECGT
12	A. Yes.
13	Q. Did you really have your stomach
	pumpel, or wore you given a medication to make you
14	vomit?
15	A. I was given some sort of salty
16	water to drink.
17	Q. Was it Syrup of Ipecac?
18	A I don't know, it tasted awful.
19	Q. You were given that medication
20	to make you vomit?
	A. Yes.
21	Q. So nobody physically pumped out
22	your stomach?
23	A. No.





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And you mentioned that when you spoke to Mrs. Trayner she told you that she hadn't had her stomach pumped?

Yes.

And that she didn't need to have

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Yes.

Do you know why?

A. No.

Do you know if the doctor told her that it wasn't necessary for her to have her stomach pumped?

A. No.

Q. If she had already vomited while she was at Sick Kids is it not possible the doctor could have said she didn't really need the medication to make her vomit some more?

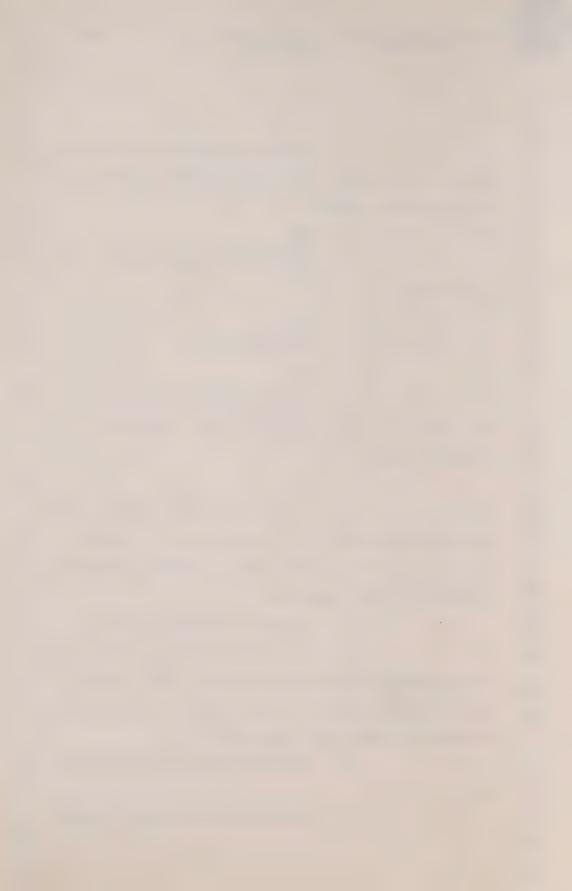
A. I didn't know she was sick.

Q. But isn't it possible that if she had been sick at The Hospital for Sick Children that the doctor said to her that she didn't need medication to make her even sicker?

A. It would depend on how sick she

was.

Q. Do you have any reason to doubt





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that perhaps the doctor told her that under the the didn't need to take, to be given aby med crown

I don't know what to believe.

You don't know what the doctor

No.

Now, I want to ask you a few questions about digoxin. I understand digoxin is kept the wards, and we are talking now about 1980-1981 on Wards 4A and 4B in several forms?

> A. Yes.

Do you recall what forms of

ligoxin you could find on the wards at that time?

Tablets and liquid. A.

And were there various kinds of 0.

liquid?

oly ker

No, just one. A.

Would that be elixir? 0.

Yes. A.

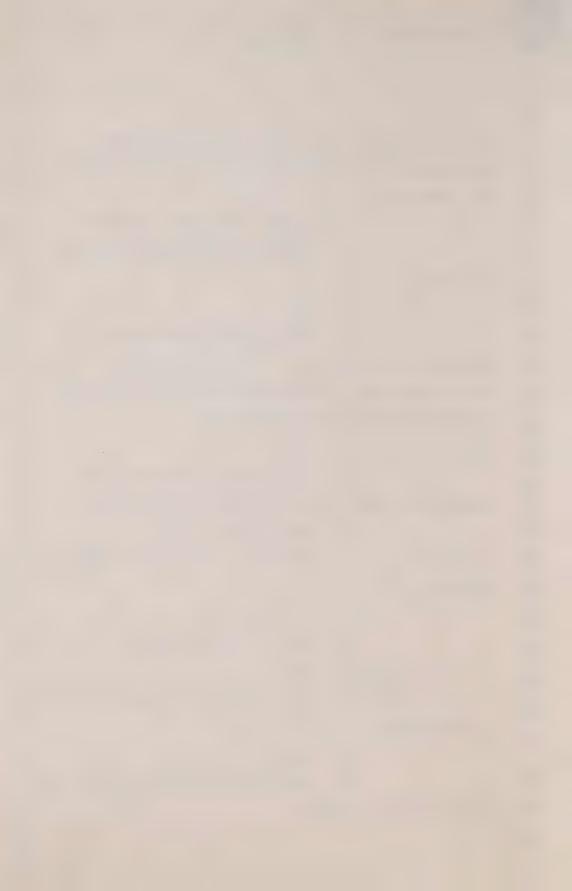
Was intravenous digoxin available 0.

on the ward?

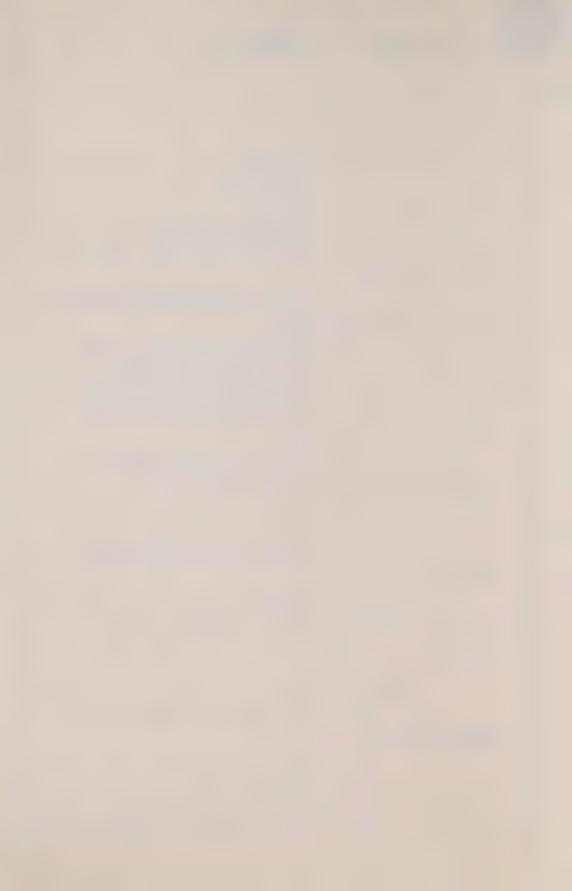
Yes. A.

And how many kinds of intravenous

digoxin do you recall?



E.11 1 2 Just one. 3 Pardon me? Just one. 4 Was there both adult vials and 5 6 I don't remember that because we 7 ion ften. 8 Where was the digoxin kept? 9 In the medication cupboard. In the medication cupboard? 10 Yes. 11 And where was the cupboard; 12 there was a in ication room, I take it? 13 Yes. 14 Was all of the digoxin kept 15 together? 16 Together with all the other drugs. A. Was it all basically kept 17 Q. together? 18 A. Yes. 19 Was it kept on shelves in the 20 medication room? 21 Yes. 22 Or in the cupboard? In the cupboard, not locked, not 23 A. 24



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in the narcotic cupbo	eard but in a cupboard.
Q.	Do you recall there being
shelves in the medica	tion room?
	Yes.
tic.	You don't have any recollection
of digoxin being kept	on the shelves?
A.	All the medications are kept on
the spoint	
Q.	All of the medications?
A.	Yes.
Q.	What are you talking about when
you say 'medication o	supboard' then, is that the shelves?
A.	They have a cupboard with shelves
in it; you also have	an open shelf outside.
Q.	Right.
A.	Above the sink.
Ω.	And what are kept on those open
shelves, what was kep	t there at that time?
А.	I don't know.
Q.	Was medication kept on them?
Α.	Yes, sometimes.
Q.	And do you recall how many
shelves there were?	
A.	Above the sink?
Ω	Yes.



Just one, one or two, I can't

Your,

And do you recall if digoxin was kept on those shelves?

Sometimes the nurse just left had used it.

And you indicated a moment ago that most of the children on your ward received digoxin

Yes.

Could I ask you again to turn to Q. the Estrella chart, to page 194. First of all, can I ask you, did the elixir come in a bottle?

> Α. Yes.

Do you recall what colour it was?

It was dark, sort of, not -

brown, dark brown colour.

Dark brown? 0.

Something like that, you can't see through it, it is not a clear white bottle, that is what I mean.

The liquid itself, what colour 0. is the liquid?

A. Oh, sort of very light greenish colour.

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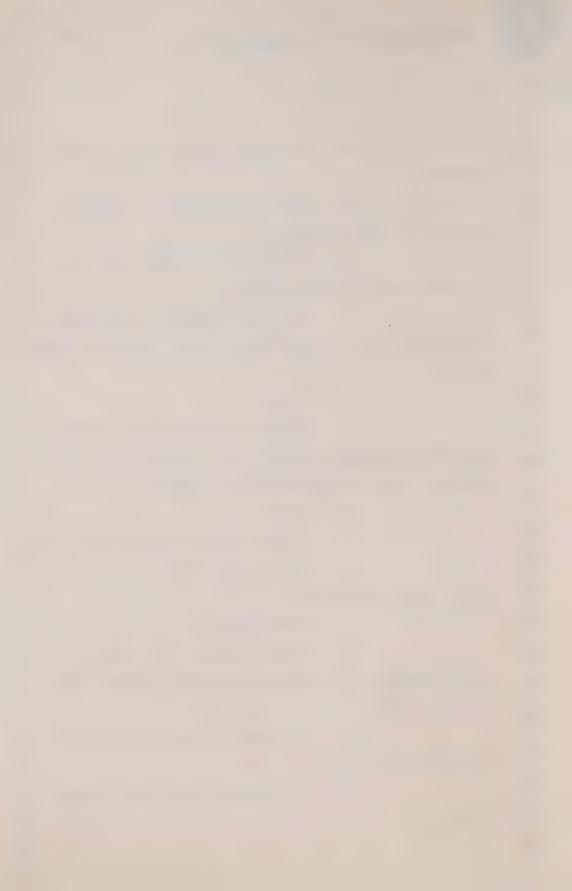
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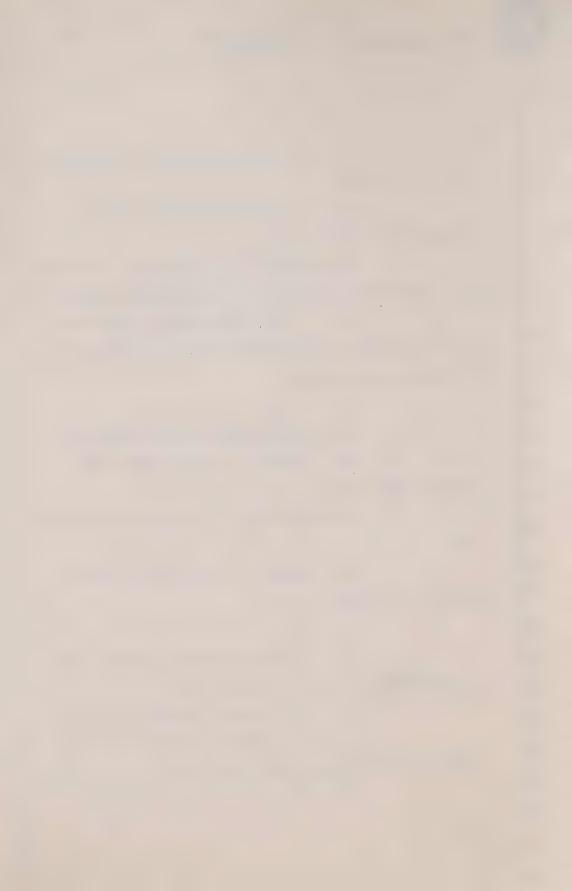
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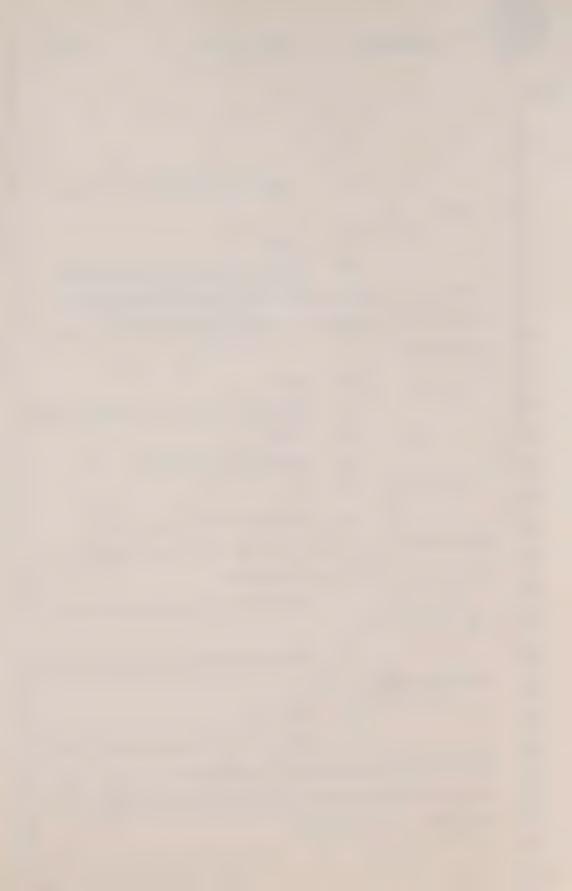
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E.14	
2	Do you recall what concentration
3	Wati in in octale?
4	.05 milligrams to 1 cc; .05
5	milligrama earles
6	DRSTER: Mr. Registrar, I wonder
7	bottle of oral digoxin, please?
	I am showing you a bottle of
8	end of the form that the digoxin elixir came
9	in some that period?
10	Yes.
11	VIII COMMISSIONER: This is Exhibit?
12	ME, FORSTER: I am not sure what
13	example number ut us.
14	THE REGISTRAR: It is part of Exhibit
	181.
15	MS. FORSTER: Q. And the box also
16	contains a imopper?
17	A. Yes.
18	Q. Did you use that dropper when
19	you were measuring out the medication?
20	A. No, we don't usually use that.
	Q. And the concentration it says
21	here is .05 milligrams each millilitre?
22	A. Yes.
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E.15 1 2 3 And a millilitre is the same as 3 -- 7 4 Yes. 5 Now if we look at the Estrella 6 chart for a moment, page 194, you will see there an 7 order No. 6 "Digoxin .015 milligrams PO BID", do you 8 SAL THE TOTAL 9 A. Yes. 10 And BID I take it is twice daily? A. Yes. 11 And PO means orally? 0. 12 Yes. A. 13 Now the order is for .015 0. 14 milligrams; can you tell me how you would draw that up 15 to give it to say Baby Estrella? 16 We used a TB syringe and drew up 17 .30 cc. Do you stick the syringe directly 0. 18 into the bottle? 19 Yes. 20 And if the concentration in the 21 bottle is .05 milligrams in a millilitre, how do you 22 know how much to draw up when the order is given in terms of .015 milligrams? 23





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Well, you divide it .015 milligrams by .05 milligrams.

And is that something that is lated for you, or do you do this every time?

No, you have to do it, yes.

Q Do you do it in your head or are there forms you calculate it on?

A. If you give it often enough you

Q. You do it in your head?

A. Yes.

Q. And would you agree with me that if you are doing these calculations in your head that it is fairly easy to make a mistake.

A. No. Like .05 milligrams you know it is 1 cc and you don't have to divide it down and calculate it, if you are not sure then you can always do it on the paper.

Q. The same, if you have to do mental arithmetic every time you are giving a dosage of digoxin it is fairly easy to make a mistake?

A. That is why we check it with another nurse.

Q. But it is easy to make a mistake?

A. Yes.

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And the other nurse doesn't sit down and calculate it all out either, does she?

Sometimes.

Pardon me?

If she knows it.

She just looks at it?

Yes.

Q. And in fact - do you recall at the preliminary that Mr. Cooper questioned you about the calculations for digoxin?

Yes.

With Baby Estrella?

Yes.

And when he questioned you you

made a small mistake?

A. He got me very confused.

Q. And you in fact made a mistake working it out in your head?

A. Yes.

Q. It is something that can happen,

it is human error?

A. No. I didn't have my glasses with me and on that particular page where the medication is it was .0 and then 15, but the "l" looked like a "0" and I just glanced at it and I was so nervous, so



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it just came to my head that it is .15 milligrams.

So it shows that errors can happen when you are calculating dosages in your head, it can happen to anybody?

Yes.

And finally, you mentioned

You have Lamek that you were under the

impression that Mrs. Trayner and Miss Nelles disagreed

A. Yes.

Q. And yet you were not able to recall any specific incident where they had disagreed?

A. No.

Q. I suggest to you you can't recall any incident where any disagreement they had affected the care of the child?

A. No.



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F EMT/PS

Just one final question. We have heard some evidence from Mrs. Coulson that when she was present on one arrest she recalls after the baby died that a doctor took down an I.V. bag and put it

Do you recall ever seeing such an

ina Love ti

No.

FORSTER: Thank you.

HE COMMISSIONER: Yes. Thank you.

What do you wa

THE COMMISSIONER: All right. Start

now and we will break off whenever it is convenient around about 11:15.

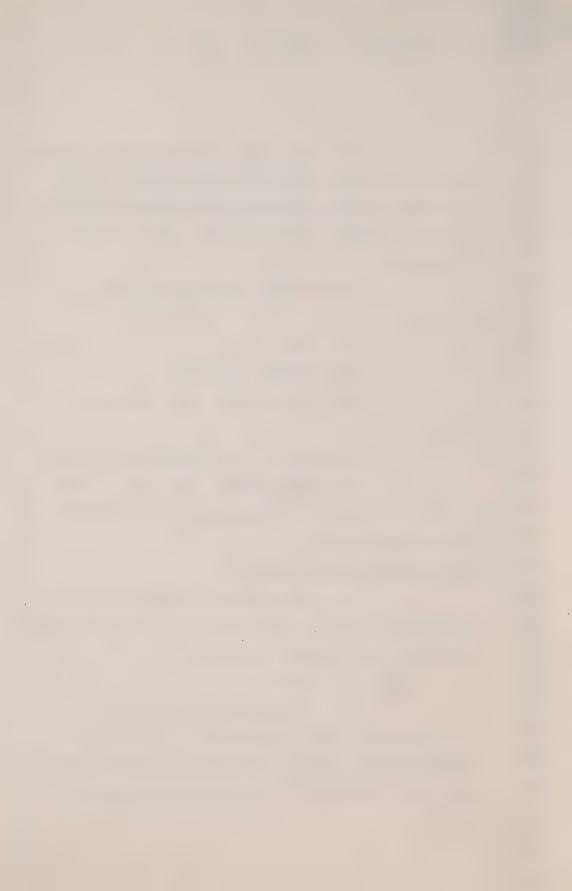
## CROSS-EXAMINATION BY MR. HUNT:

Q. Mrs. Scott, my name is Hunt and we represent the Attorney-General, the Crown Attorneys and some of the coroners involved.

A. Yes.

the phone calls that you received. My friend Mr.

Lamek dealt with those as you recall yesterday afternoon, and I would like to go into those again in a moment.



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As I understand it - you correct me

if any of the information that I just summarize here

is incorrect - some time prior to your children

receiving phone calls at your home where words were

the phone in your home on a

number of received, and the party at the other end of

in line said nothing; remained silent before hanging

cr. ex. (Hunt)

Yes.

That happened more than once?

Yes.

...

It happened how long before your collidren received the phone calls where the party spoke?

I don't recall. A week, two

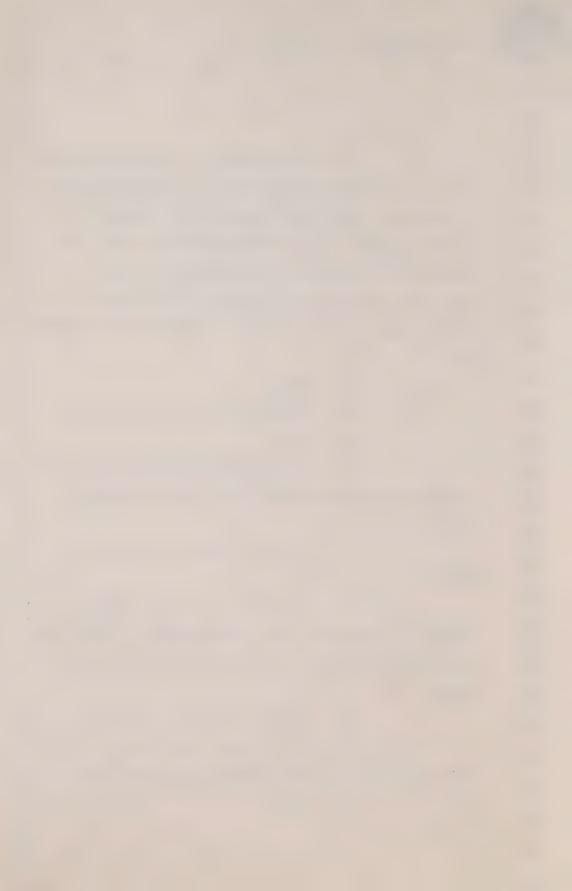
weeks.

Q. All right. So that I have it clear, on no occasion when you answered the phone and said hello did the party on the other end actually speak?

A. That is right.

Q. It was only when your children answered the phone that the party said something.

A. Yes.



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Now as I further understand it, it was on or about August 21st of 1981 (the latter part of August) when your children received the phone calls at your home in the evening. Does that accord with your recollection of the timing of these events?

No. That was on the 22nd of

22nd of August? All right.

Then there were phone calls on the 22nd of August as

Yes. That was the only time that they rang up during the evening.

I beg your pardon?

A. That was the only time the person rang in the evening.

Q. All right.

A. It was usually during the day.

O. Am I correct there were two

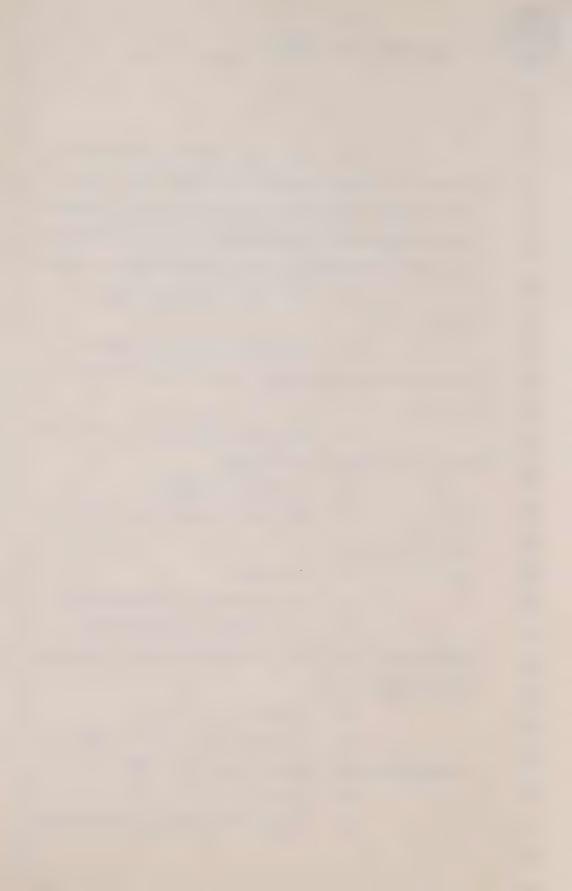
separate days one after the other in which your children received phone calls?

A. Yes.

Q. And you think that the time when it happened in the evening was on the 22nd?

A. Yes.

Q. And on the other day which would





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I don't remember that date.

All right. Now your daughter and m both occasions?

Yes.

And you were at work?

Yes.

So you were in the hospital?

Yes.

Visible to all of the other people

Yes.

And the phone calls as I understand

THE COMMISSIONER: What exhibit is that one? 32 somewhere?

MR. HUNT: 32-B, and it is tab number

76.

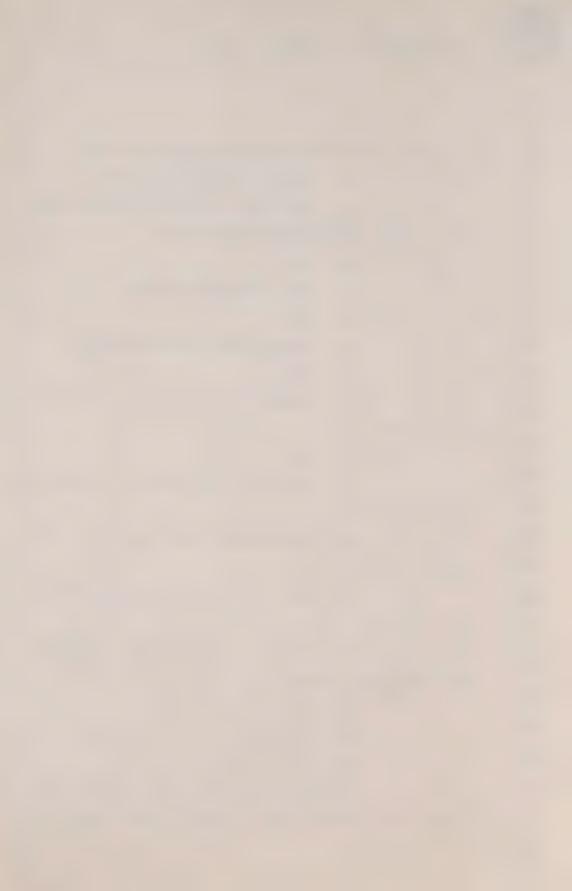
Q. Now your children are a daughter and a son. Your daughter at that time was how old?

A. She was about 12.

Q. And your son was how old?

A. About 10-1/2.

THE COMMISSIONER: Is that Jason? He is described here as being 8 years old but that is not





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THE WITNESS: No, not at that time.

MR. HUNT: How old is he now?

THE COMMISSIONER: I am sure you must

Mrs. Scott, but I take it he is only a year and lalf younger than your daughter?

THE WITNESS: Yes. 18 months.

MR. HUNT: Q. So he was 10-1/2

ughter was 12 at the time?

A. Yes.

And as I understand it on both 0. days they each answered one of these phone calls and The message was essentially the same on each occasion? The first occasion when your daughter answered the thone the words spoken were "Baby killer you and Trayner watch out".

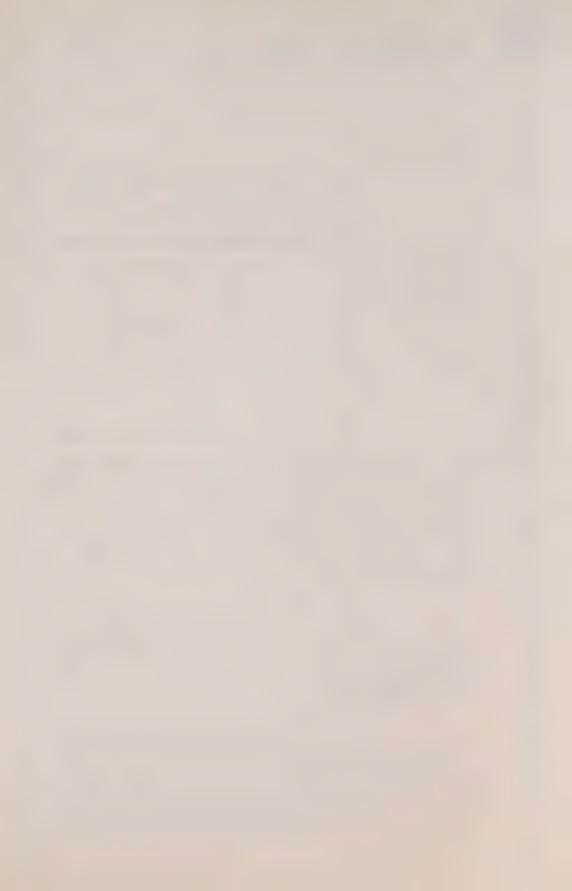
> Α. Yes.

And on that same day when your son answered one of the phone calls the words "Baby killer" were spoken?

> A. Yes.

And then on the following day when your daughter answered a phone call the words "Baby killer Trayner look out you die" were spoken?

I don't remember that but I





member "Trayner and Scott must die".

On the second occasion on the

your son answered the phone the words

ou must die" were spoken?

Yes.

Now did your children describe for

heard?

A. My daughter said that it is a oice, and my son was saying that - no, said at one time a young female's voice lightly high pitch and my son was saying a girl's voice.

Q. Now what was your children's reaction to receiving these phone calls?

A. The first phone call they were really frightened.

Q. They were frightened?

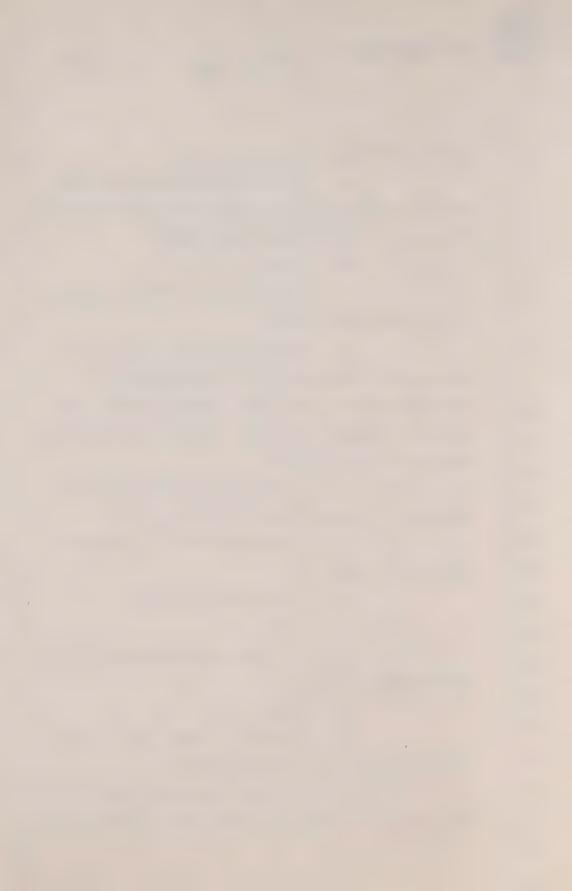
A. Yes.

Q. I take it they phoned you at the hospital and told you?

A. Yes.

Q. And did you make some contact with the police as a result of that?

A. I didn't personally but I told Phyllis and the other girls and she must have



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got in touch with the supervisor and then the police.

Q. You told Phyllis Trayner and the other girls at work?

A. Yes.

Q. About the conversations your children had heard on the phone?

A. Yes.

Q. And someone else, not you,

A. Yes.

contacted the police?

Q. Ultimately they spoke to you

[ think.

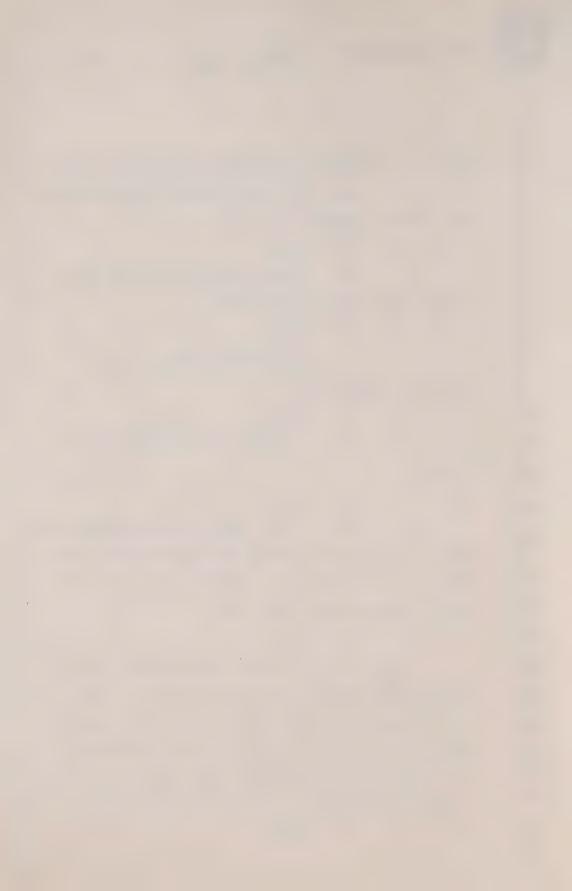
A. Yes.

Q. And I take it your children didn't feel that much better about the situation when they received more phone calls indicating that you were going to die the following day?

A. Yes.

Q. Whatever the motivation of the person who was making these phone calls was, Mrs. Scott, would you agree with me that it is a pretty cruel thing to do to a couple of young children to tell them over the phone that their mother was going to die or be killed?

A. Yes.



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Now as a result of the contacts
the police about these phone calls
wiretaps on your telephone?

Yes.

All right. Was that something

Yes.

so that the people working, other and 4B, were aware of the fact that as a phone calls the police had intervened wiretaps on your telephone?

A. Yes.

Q. After you had advised the others that the wiretaps were placed on your telephone did you receive any more phone calls?

A. No.

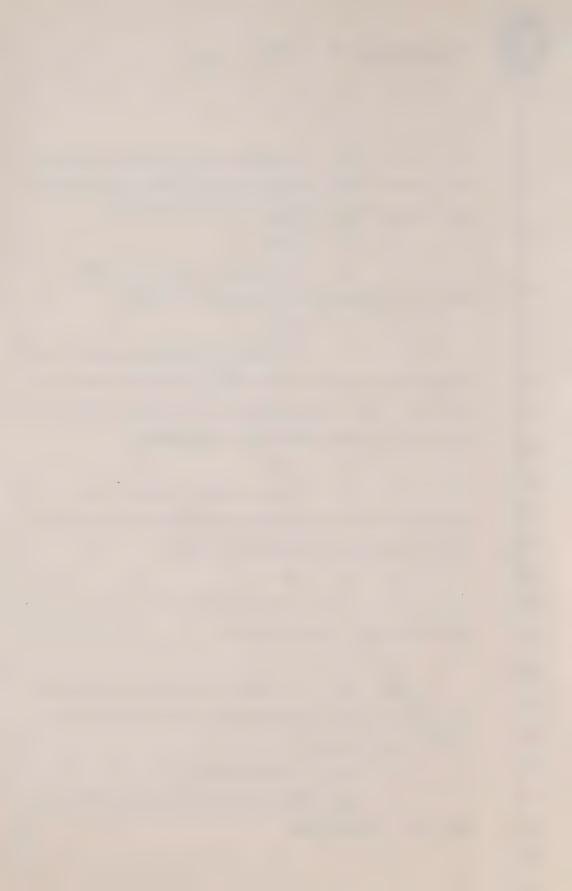
Q. Did you receive any phone calls where the party simply hung up?

A. No.

Q. So after you made it known that the wiretaps were on your phone all the phone calls to your house stopped.

A. That is right.

MR. HUNT: Would this be a convenient time, Mr. Commissioner?



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COMMISSIONER: Yes. All right, 20

MMISSIONER: Yes, Mr. Hunt.

HUNT: Thank you.

Mrs. Scott, yesterday you told

friend Mr. Lamek that at this period of time, that
is late August, 1981, your telephone number was listed

directory under the last name Scott
but under initials other than your initials.

Yes.

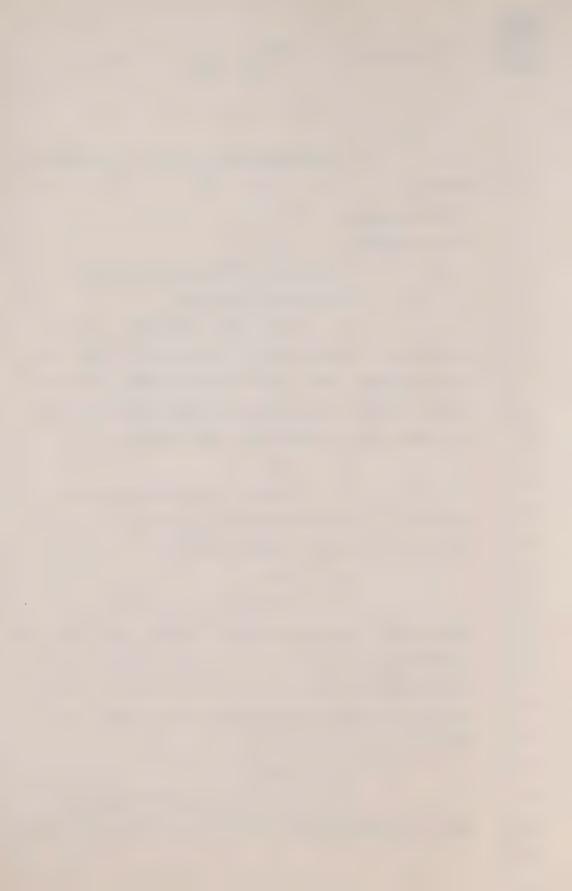
And just taking a quick look through the telephone book there is an awful lot of Scotts in the Toronto phone directory.

A. Yes.

name or that your phone number, rather, was listed under a particular listing with particular initials other than your own, would you agree with me that it would be virtually impossible to select your number out of the list in the phone book?

A. Yes.

Q. After you received these phone calls at your home did it cross your mind at some point



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that the person who made the phone calls would have difficulty getting your number out of the phone book?

Yes.

How long after the calls did that

Not very long.

Because you realized I take it

ne was not readily identifiable because

was listed.

- A. Yes.
- Q. Your number, rather.
- A. Yes.
- Q. Was not readily identifiable.

All right. Well, when you say not very long after was this a matter of days?

- A. Well, about a week or so.
- Q. At the point in time when you considered this, did you think that perhaps the person who made the phone calls then might have some special knowledge about you that would be gained through your place of employment at the hospital?
  - A. Yes.
- Q. And at that point did you consider that the person who made the calls might be someone who was working on 4A, 4B?





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Mo	4B	or	from	personnel	or	from

omewhere where there was access

'elephone.

- personnel records at the

Yes.

I think you indicated as well er was on a list of phone numbers her was 'n nursing station on 4A, 4B? Yes.

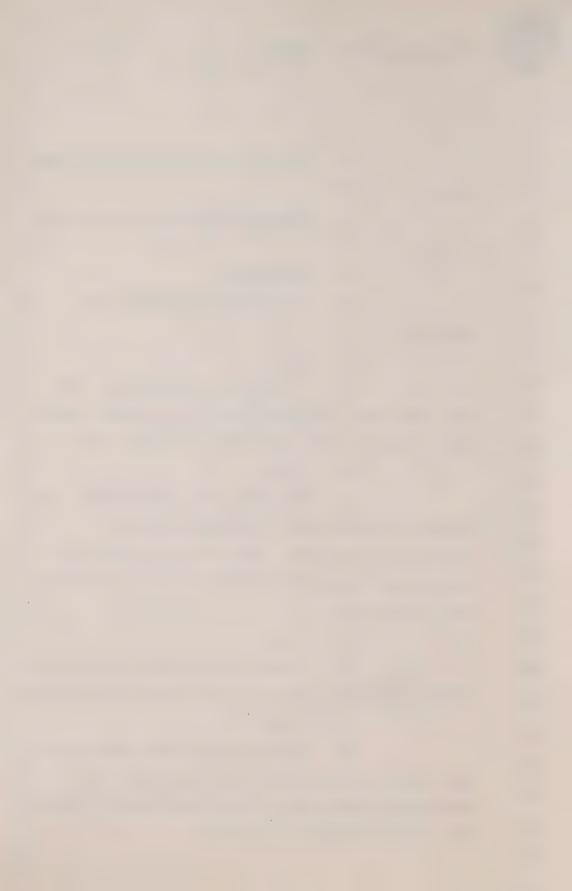
Now over the course of days that followed the phone calls that your children received did you become aware of other phone calls that Phyllis Trayner had received or people connected with her received?

Yes.

These were matters that were the subject of conversation on the ward when they happened?

A. Yes.

And did you become aware of the fact that her bank manager received a phone call, threatening phone call, in late August shortly before Mrs. Trayner arrived at the bank?



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ex. (Hunt)

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heard something about that.

You heard something about it? Did

It that the switchboard at

's place of employment received

Lis as well in late August and

Yes.

Did you become aware as well that

represent the threatening phone call as well?

Yes.

When you heard of these incidences

were connected in some way with

rayner had received phone calls of a threatening

nuture, did you wonder as well how whoever was making

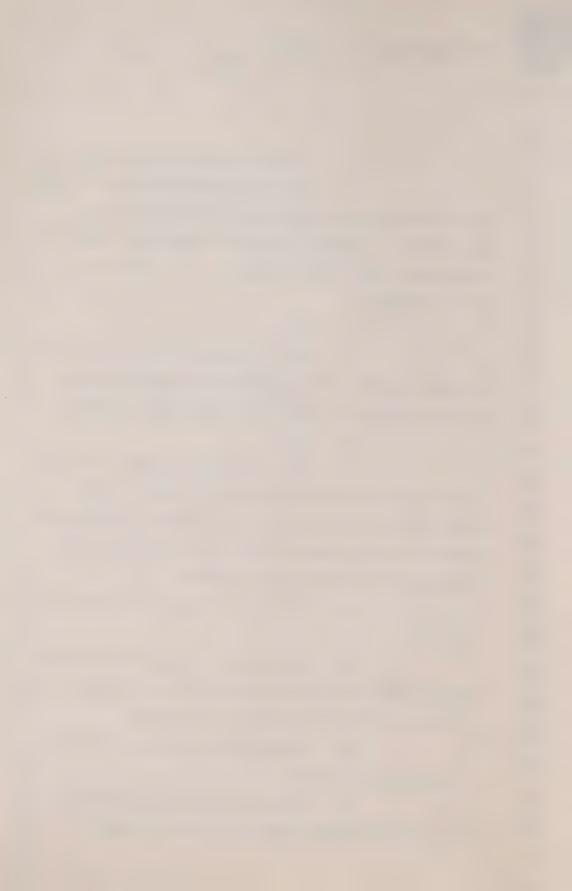
them would have those phone numbers?

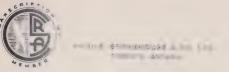
A. I thought someone who knows her very well.

O. All right. Are there phones on Wards 4A and 4B that are accessible to the nurses if you wish to make a private phone call?

A. There are about two in the back of the nursing station.

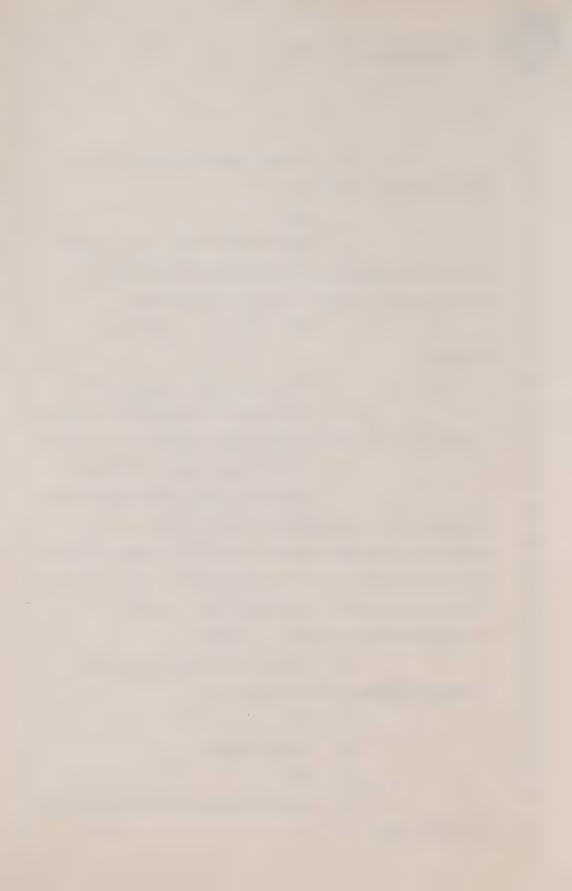
O. Yes. Are there any others in any of the conference rooms or parents' rooms?





Scott :r. ex. (Hunt)

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	4	Q. Kež.
	5	nd I am not quite sure whether
	1	one of the rooms adjoining
	6	"any dostate of the I'm not quite sure.
	7	That would be a conference
	8 !	is more
	9 1	No, it is just a small room.
	10	All right. In addition I take is
	11	there would public telephones located on the floor
		Yes, by the central elevators.
	13	All right. When your son received
	13	the phone call on August 21 when you were at work
	14	and he rates: some with your daughter, did he indicat
	15	to you in addition to the description of the voice as
	16	to whether or not he heard any other sounds
	17 .,	in the background on the telephone?
	18	A. He said he thought he heard
		something static like interference.
	19	Q. Yes.
	20	A. On the radio.
	21	Q. Yes.
	22	A. And then another time he said it
	23	was very quiet.
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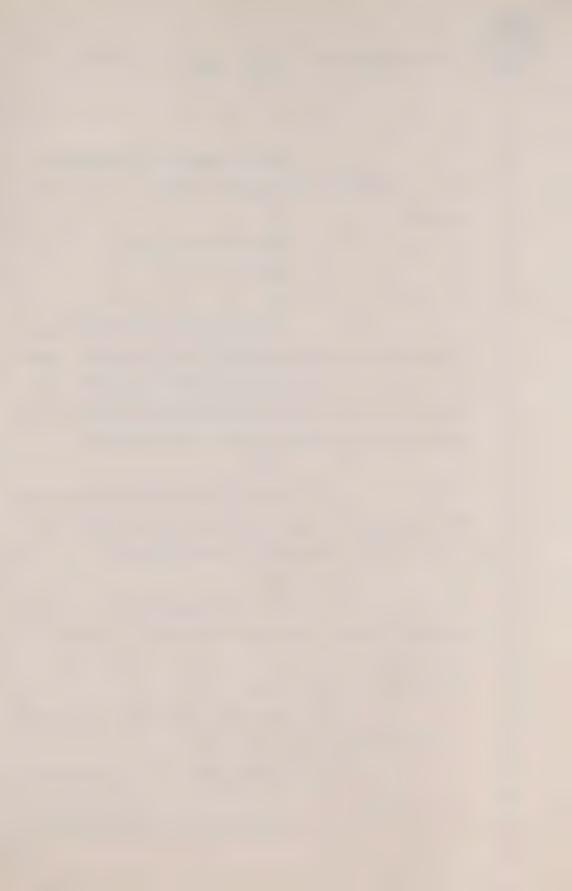
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			Q.	Did	he	ind	licate	to	you	whe	ther
he	ever	heard	any	other	pers	on	speaki	ng	in	the	back-
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- A. Apart from the voice?
- Yes.
- A. No.
- 0. With respect to the mark on your locker you indicated yesterday to my friend Mr. Lamek this came to your attention when you yourself in the company of one or two others went down to look at your locker located in the basement of the hospital.

Yes.

- Q. And as I understand your evidence what prompted that was a message that was relayed by a ward clerk by the name of Anna Fernandes.
  - A. Yes.
- And that occurred some time before she went off duty between 10 and 10:30 or 10 and 11 that night.
  - Yes. Α.
- Were you present when she relayed the message about the phone call?
  - I didn't hear her say anything. A.
- No. I wasn't.
- Q. But very shortly after that it



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was drawn to your attention?

A. Yes.

Q. And was Phyllis Trayner present at the time when you were made aware of the fact that had been received?

A. Yes.

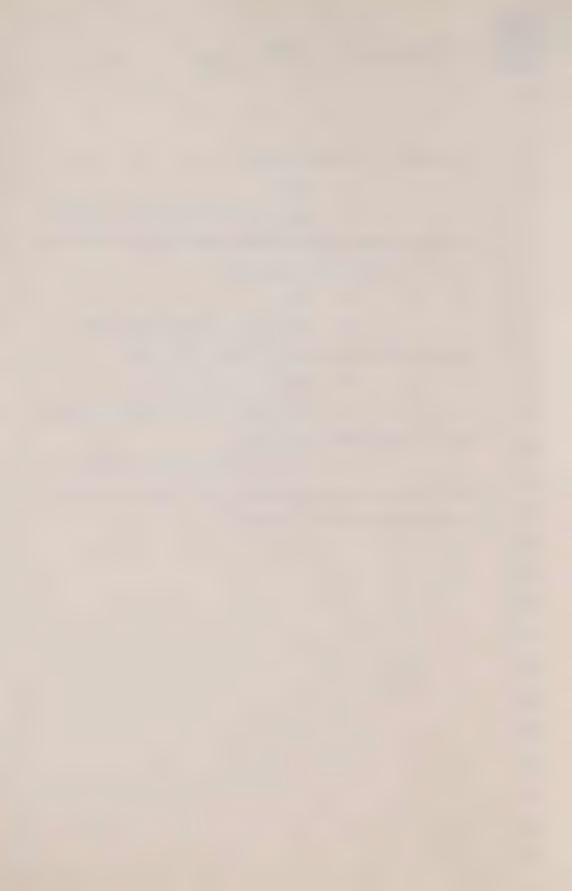
Q. And you indicated that Mrs.

Trayner was quite upset with Mrs. Fernandes?

A. Yes.

Q. And what was the reason for that that you were able to discern?

A. Well, she was upset because Anna didn't tell us about the phone call she had earlier on - she had received earlier on.



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All right. So, the phone call had earlier than the point in time when the nurses, including Mrs. Trayner, were made aware

That's right.

Do you remember whether Mrs.

Fernandez related the contents of any discussion on the telephone that she had?

No.

You can't remember or she didn't?

No, I can't remember.

Q. All right. Now, the idea of going the sheck your locker after this fact of the phone call having been received was made known to you was not your own?

A. No.

Q. And whose idea was that?

A. Phyllis Trayner suggested that I should go down and check whether there are any marks on our lockers.

Q. All right. Now, had you had any marks on your locker prior to this time?

A. No.

Q. And was there anything that you are able to recall that was related to you by Anna





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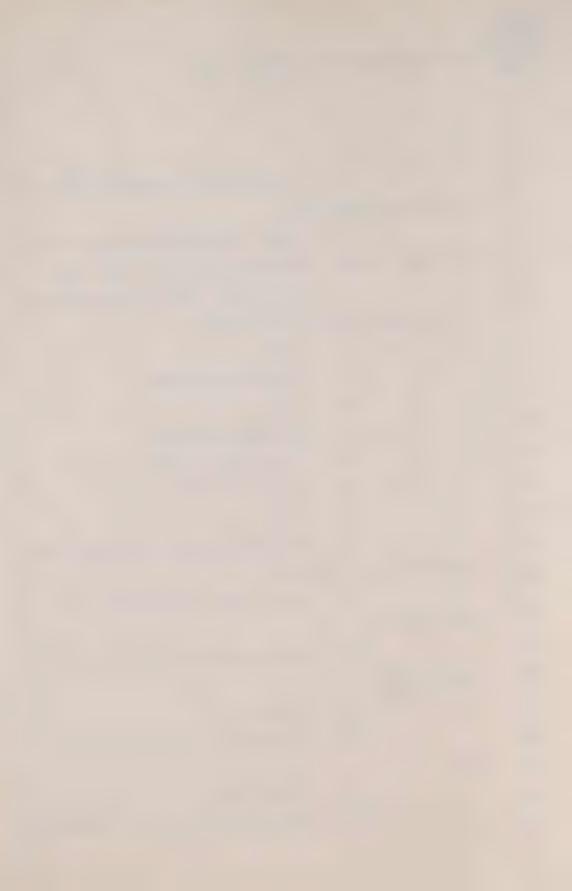
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Pernandez or related to others by her that you became ware of that suggested you should go down to your locker to check it?

- Α. No.
- Well, when this was first sugou by Phyllis Trayner did you immediately t out to check your locker out?
  - Α. No.
  - 0. What was your initial reaction?
- A. I didn't want to, I just said, oh, there won't be any marks on my locker.
- Yes. So, you decided initially 0. not to go
  - No yes, that's right. A.
- 0. And did Mrs. Trayner pursue the suggestion to you that you ought to go down and examine your locker?
  - Well, she suggested it again.
- All right. How many times after 0. the first time did she suggest you go down and check your locker?
  - Twice. A.
- Well, did you expect to find anything on your locker when you went down to see it? Not really. Α.



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	neck it?
4	Well, she kept suggesting it and
5	she said - out of curiosity, too, so, I went down.
6	Q. All right. You went down and you
7	found a mark on the locker door?
8	A. Yes.
	Q. Were you surprised?
9	A. Yes.
10	Q. What was the mark?
11	A. It was just a cross.
12	Q. A cross or an X?
13	A. An X.
14	O All right What did you do after
	you discovered this mark?
15	A. Well, I went back upstairs and
16	told them.
17	
18	time?
19	A. I didn't.
	Q. Were the police notified by any-
20	
21	one? A. I don't know.
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23	Q. What was your reaction to seeing
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- A. Not upset but I was surprised to see a cross there because when I went to change --
  - O. Pardon?
- A. When I went downstairs early on duty and I changed I didn't see any
- Q. I see. So, after your curiosity was piqued by Mrs. Trayner's repeated suggestions to go down and examine your locker you and you found an X on the door?
  - A. Yes.
- Q. Other than that time, did you ever find a mark on your locker?
  - A. I think there was another time.
  - Q. You think there was another time?
  - A. Yes, but I'm not quite sure.
  - Q. All right. Are you able to recall

how long after the first incident?

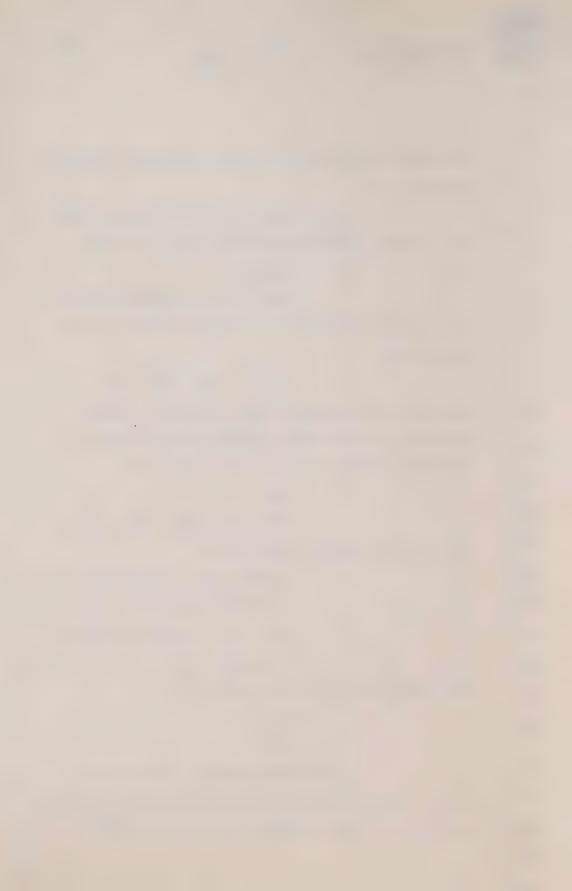
- A. No.
- Q. No?

THE COMMISSIONER: Excuse me, Mr.

Hunt. You say when you changed. What was the time?

I think you gave us that, but what time was it

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ipproximate was a night shift, a long night

INTESS: Yes.

THE COMMISSIONER: You had come in about

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WITNESS: Yes.

COMMISSIONER: And what time

reground to the when you went down?

WITNESS: Before 11.

COMMISSIONER: All right, thank

The same

HUNT: Q. I think you may have

yesterday that you looked to see if
that you any other lockers at this time.

A. Yes.

Q. Did you see any?

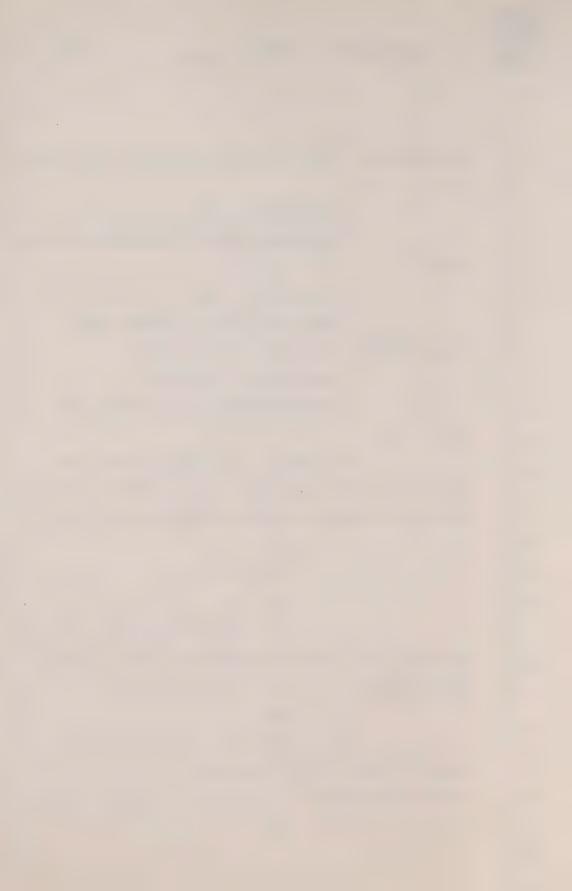
A. No.

Q. So, on the occasion when you went down after the repeated suggestions by Mrs. Trayner yours was the only locker with the mark on it?

A. Yes.

Q. All right. Now, this locker room where your locker was located, does it contain a number of lockers?

A. Yes.





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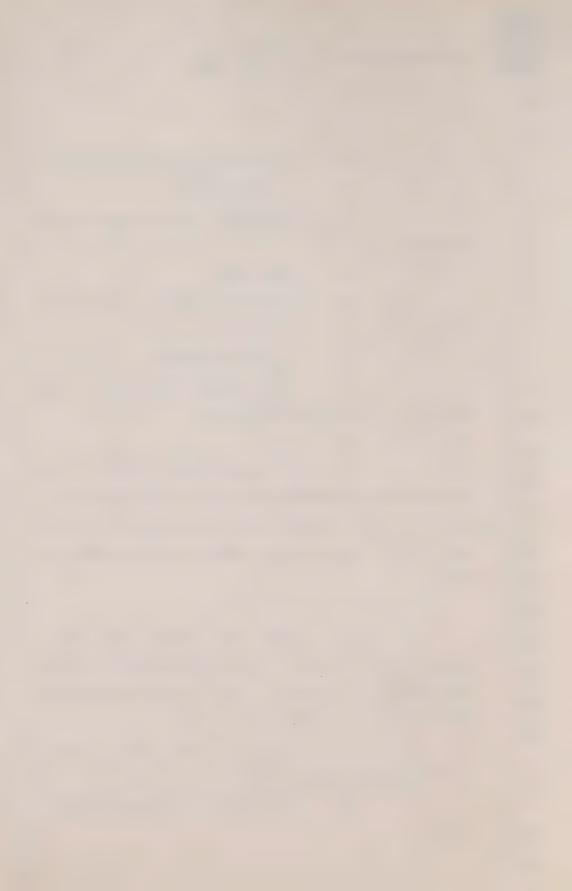
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Q.	And	are	they	set	out	in	rows

- A. In rows facing.
- Q. All right. How many rows would
- A. About six.
- Q. And is your name on the outside
- A. No, just a number.
- Q. Just a number. And was it locked
  - A. Yes.
- Q. So that in order to place a mark on your looker someone would need to know that that was your looker, either by virtue of having seen you use it or by virtue of the number that was assigned to your
  - A. Yes.
- Q. After this incident with your locker, the mark on it, did you think any more about the question of whether or not the person responsible was associated with Wards 4A and 4B?
- A. I thought at the time it could be an outside crank as everybody was thinking of.
- Q. I'm sorry, you thought it was what?

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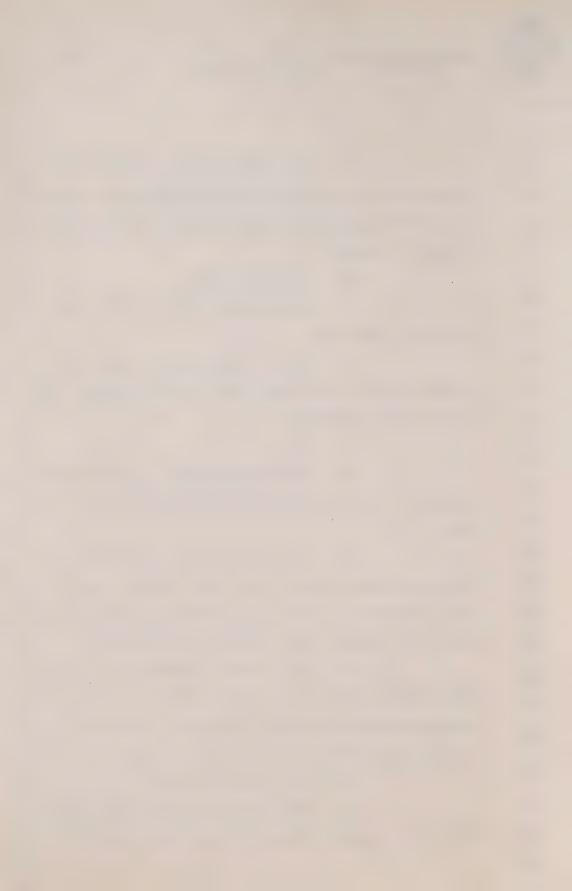
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The girls thought at first that
and be Susan Nelles but then we decided it couldn
be Susan Nelles and we thought somebody from outside,
On Anton a count.

A crank, yes.

Making all kinds of crank calls

- Q. Yes. And I take it then that at this point in time this is the thought process that you were going through.
  - A. Yes.
- Q. Wondering whether it was someone connected with the ward or someone coming in from out-
- A. Yes. And then I mentioned the fact that nobody knew my you know, whoever knew my phone number has to work in the hospital because nobody could find my phone number in the directory.
- Q. So, in your own mind do I take it from that that you were satisfied that by virtue of the experiences you had had the person responsible must be connected with the hospital in some way?
  - A. In my own mind, yes.
- Q. Yes. Now, were you ever shown any other lipstick markings on any other objects by





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Yes.

What was that and how did you

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On Phyllis' car.

Yes.

She took me there, to see the car
This is Phyllis Trayner took you

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but you could still see the outline.

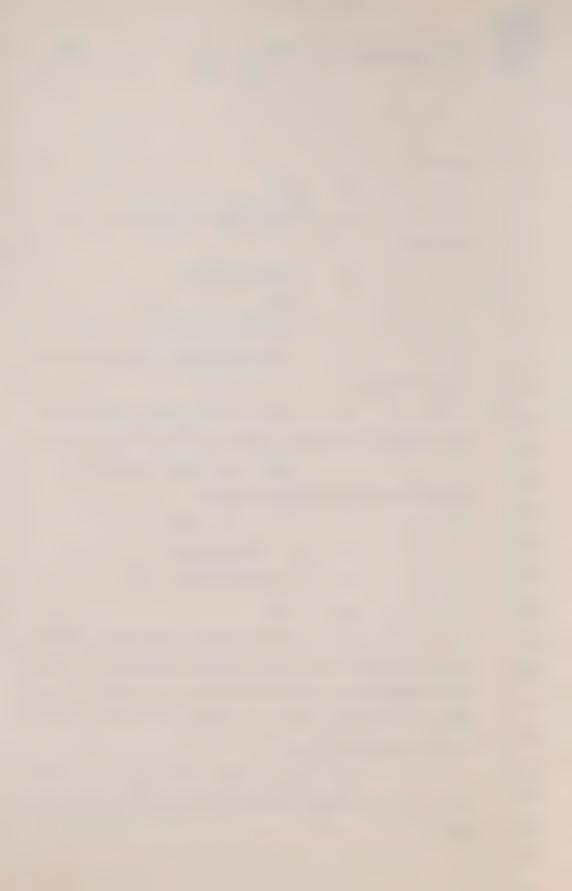
All right. Where was her car

located . she took you to it?

- A. Oh, in the parking lot.
  - Q. At the hospital?
  - A. At the hospital, yes.
  - Q. Yes.
- A. And we went up there and looked at it and then she turned around and spoke to two men sitting in a car opposite her car and I asked, I said, who are those two men and she said they are from the police watching my car.
- Q. All right. Well, just going back a bit then. How did you come to go up to look at her car?

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She asked me.

All right. Was there anyone else

No.

And did she tell you something that had happened to her or to her car?

No, she said would you like to

All right. So, you went up with her, just the two of you?

Yes.

already been removed, the lipstick had been removed but you could see a mark somewhere on the car?

A. Yes - no, the same -- it hadn't been rubbed off properly so you could still see the outline.

Q. All right. Where was it located,

this mark

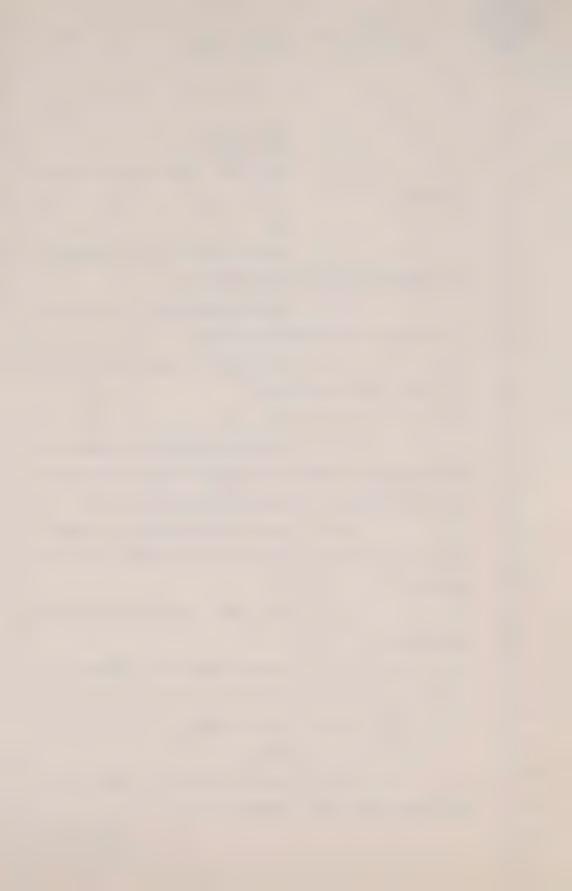
trunk.

A. On the back of the car, on the

Q. On the trunk?

A. Yes.

Q. And what kind of a mark was it that you were able to tell?



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			Α.	Jus	t the	outline.	You	can	see	som
sh	but	it	had	been	remov	ed.				

THE COMMISSIONER: What kind of mark?

MR. HUNT: O. What form?

- A. Oh, crosses.
- 0. Crosses or X's?
- A. Oh, X. I keep saying cross.

THE COMMISSIONER: You say plural. Was

there more than one x?

A. I think there was more than one but I'm not quite sure about that.

MR. HUNT: Q. All right. Now, you said that Mrs. Trayner spoke to two men who were parked in a car in the garage as well.

A. Yes. Not directly opposite her car but sort of ...

Q. All right, in a position where they could see her car?

> Α. Yes.

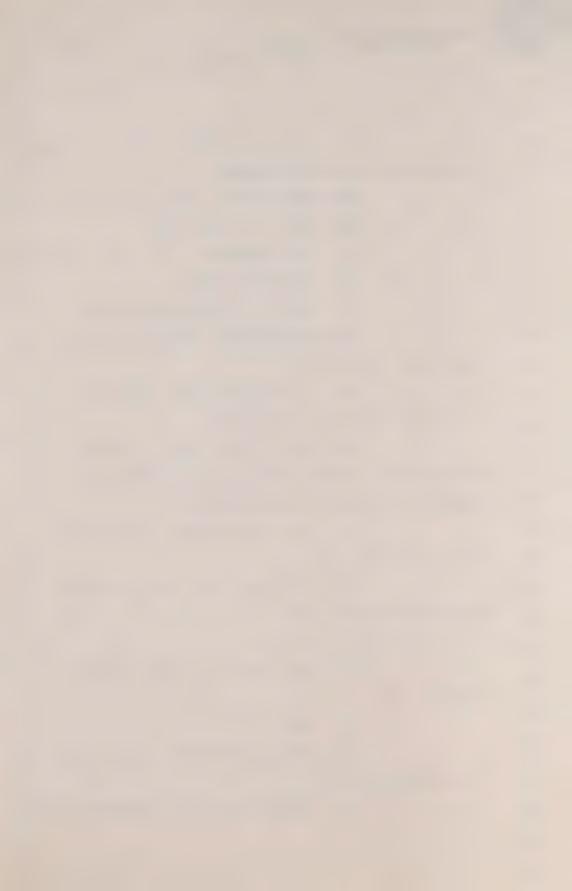
Q. And these men, did you speak to

them?

A. No.

Q. But she indicated to you these were police officers?

A. Phyllis went over and spoke to them.



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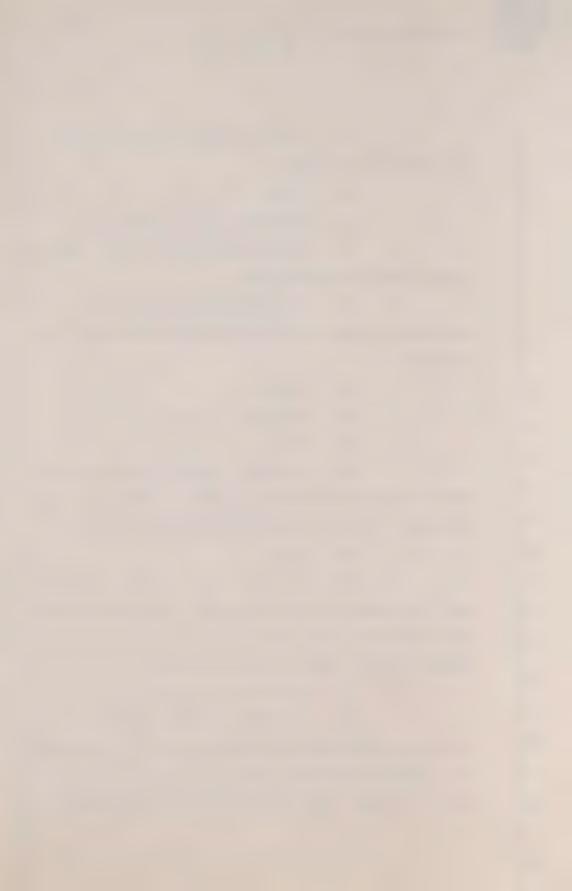
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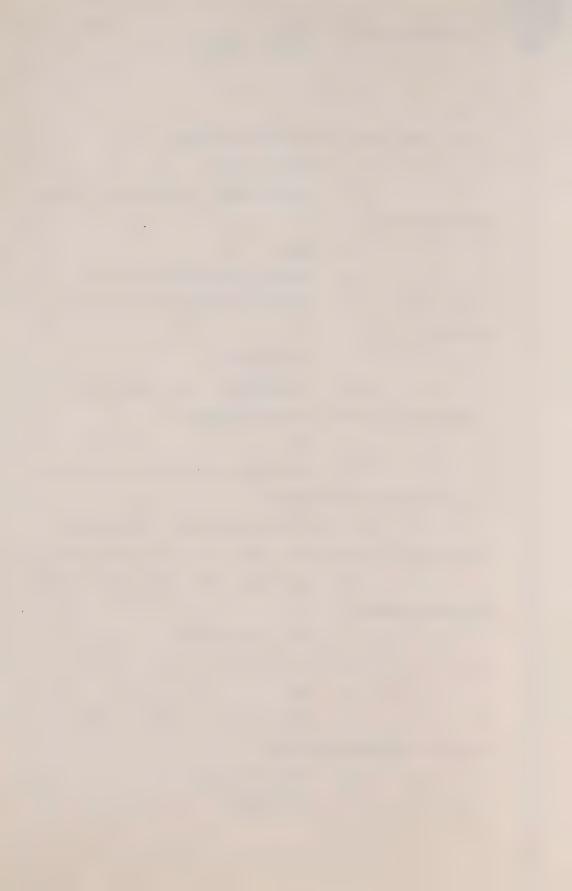
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- Q. I see. Did you ask her what they were doing there?
  - A. Yes.
  - Q. And what was her explanation?
- A. Well, she said they were from the police watching over my car.
- Q. All right. So, the policemen were parked there in a position where they could see the car?
  - A. Yes.
  - Q. Keeping an eye on it.
  - A. Yes.
- Q. And Mrs. Trayner took you up and showed you the car, showed you the policemen and then indicated to you what the policemen were doing there?
  - A. Yes.
- Q. All right. Do you know if after that, that point when the policemen started watching her car, whether you ever heard of any other incident where she had a lipstick mark on her car?
  - A. I'm not quite sure.
- Q. All right. Now, insofar as the incident involving the pills in your food is concerned you indicated yesterday that you were seated at a table with Mrs. Trayner and you're not sure whether



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2	or not there were other people present.
3	A. That's right.
4	Q. But you don't dispute that there
5	may have been?
	A. Yes.
6	Q. And the table where you were
7	seated, where was it located in regard to the nursing
8	station?
9	A. At the back.
10	Q. At the back. So, this would be
11	in behind the desk and the cabinets?
12	A. Yes.
	Q. Where were you seated at the tab
13	in relation to Mrs. Trayner?
14	A. I was sitting at a table nearer
15	to the side, the 4B side. There are two tables there
16	Q. All right. Are they square tabl
17	or round tables?
18	A. Sort of rectangle.
19	Q. Rectangle?
	A. Yes.
20	Q. Similar to the tables we have
21	here in this hearing room?
22	A. Not that long.
23	Q. All right.



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A. And I was sitting facing the windows on the baby's room in 4B.

Q. All right. So, you were sitting along one side of the table?

A. Yes.

Q. Were you sitting close to the corner of the table?

A. Yes, corner, yes.

Q. All right. And where in relation

to where you were was Mrs. Trayner sitting?

A. She came and sat beside me on my left at right angle.

near the corner of the table she sat on the other side near the corner on your left.

A. Not on the other side, she was sitting here like that. I was sitting here and she was sitting there.

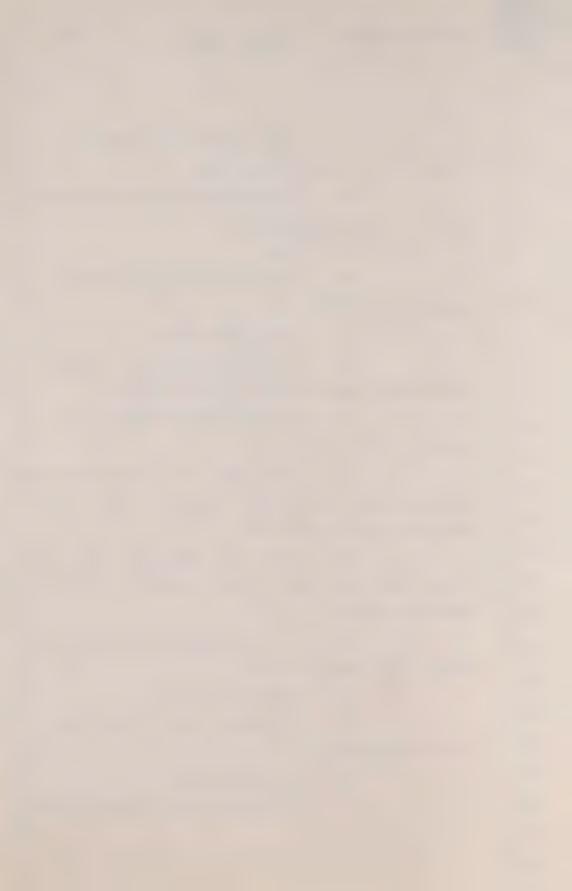
Q. She was sitting on the side that was at right angles to you?

A. Facing the desk.

Q. All right. So, how close were you at this point?

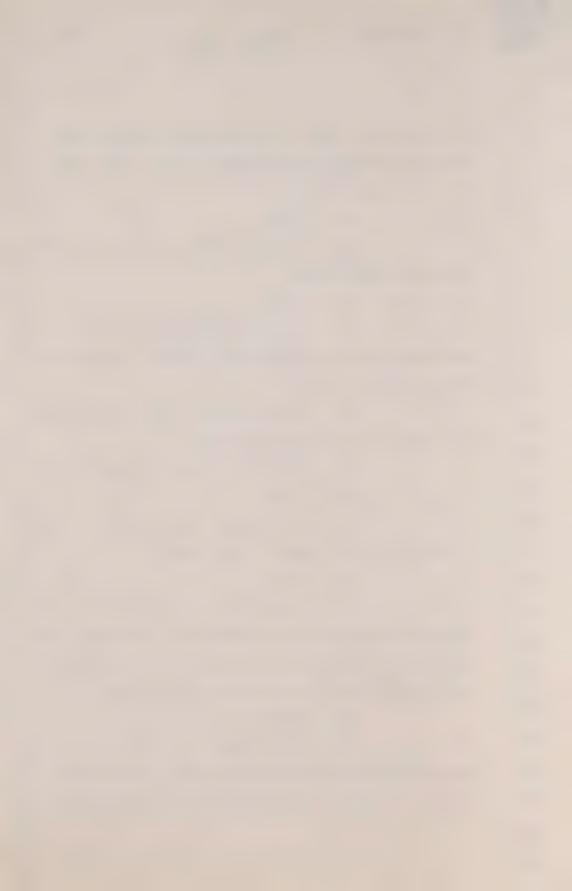
A. Oh, very close.

Q. All right. Well, in other words,



when you had a taste of her soup and took the spoon and took some out did you have to get up from your seat to go over to it?

- A. No.
- Q. You were able to reach over from where you were seated?
  - A. Yes.
- Q. Do you recall how long you were seated at the table before you were called to go and deal with the I.V.?
- A. Well, I don't know, I had tasted her soup and I had eaten my salad.
  - Q. You had had some of your salad?
  - A. Yes.
- Q. All right. So, you would be there a matter of some minutes in any event?
  - A. Yes.
- Q. Now, before you left the table you have indicated, and correct me if I'm wrong, that you had prepared your own salad, as is your custom, by tossing it and putting some salad dressing on it.
  - A. Yes.
- Q. All right. And in doing so at that point you noticed nothing unusual about your salad, no pills in it or anything of that nature.



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A. No.

Q. All right. And in addition, you had tasted some of Mrs. Trayner's cold soup?

A. Yes.

Q. And in doing so you had I think you said took a spoon and you had stirred it around somewhat to see what it was before tasting it.

A. Yes.

Q. And at that point had you noticed anything unusual about the soup, by that I mean any pills in it or anything of that nature?

A. No.

Q. All right. So, as far as you were concerned when you were seated at the table you were about to have a normal meal of a salad?

A. Yes.

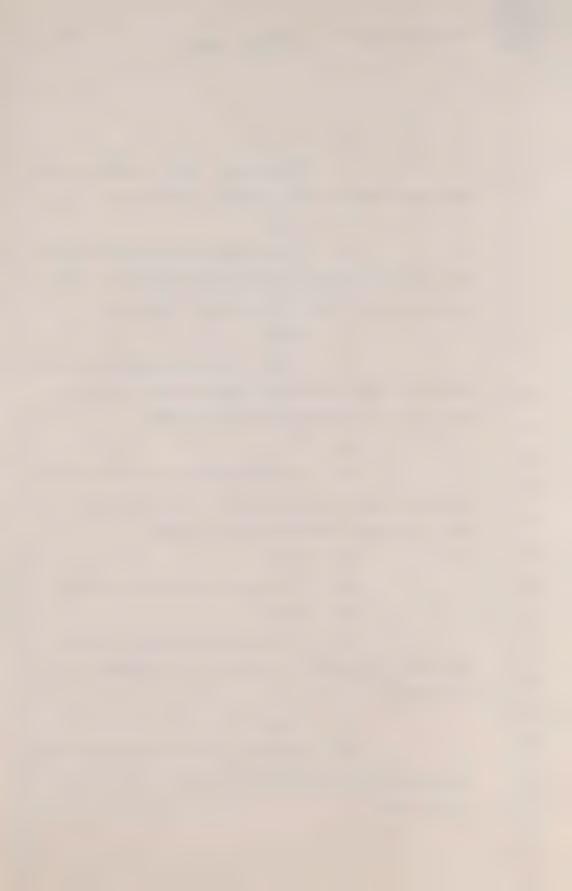
Q. It was untainted with anything.

A. Yes.

Q. And as far as you were aware the soup that you had tasted was also untainted with anything.

A. Yes.

Q. Now then, you have indicated that the doctor came along to start the I.V. and you got up and left?





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A. Yes.

Q. All right. When you returned after being summoned back by another nurse the pills in the food had already been discovered and there was a certain amount of commotion going on at the table.

A. Yes.

Q. All right. So that you weren't made aware at that time of anything that had gone on in your absence?

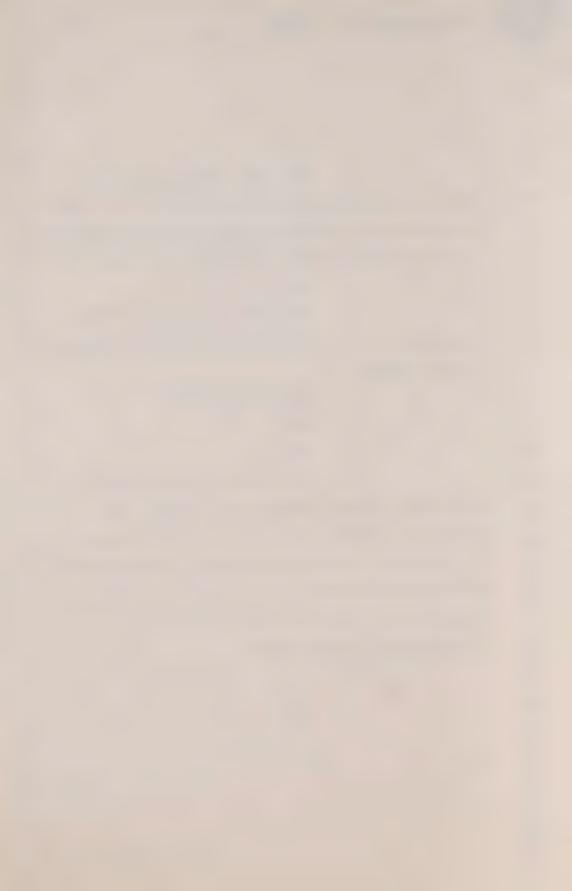
A. Before I came out?

Q. Yes.

A. Yes.

Q. All right. Well, I want to put to you the evidence of Mary Jean Halpenny. My friend, Ms. Forster, referred to this this morning in the context of who was seated at the table and I won't trouble you with her evidence with respect to that, you as I understand don't dispute that if she indicates that she was there.

A. Yes.



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MS. FORSTER: Mr. Commissioner, with respect to whatever else went on, this witness has already said she wasn't there, and I don't see what assistance --

THE COMMISSIONER: I am sorry, who wasn't there?

MS. FORSTER: Mrs. Scott says she was in the room with the doctor, and I understand that Ms. Halpenny's evidence is as to what was going on while Mrs. Scott was away from the table. If Mrs. Scott wasn't there I don't know how she can either confirm or dispute what went on?

THE COMMISSIONER: No, I didn't understand that is what you were going to do.

MR. HUNT: I would like to make her aware of the evidence, Mr. Commissioner, but not for the purpose my friend suggests.

I would like to ask this witness, after putting to her the evidence of Miss Halpenny as to what took place in her absence, I would like to ask this witness if anything took place while she was there that would have called upon any of the other people at the table to undertake the activity that went on after she left.

THE COMMISSIONER: That would have





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caused the other people to do what?

MR. HUNT: To get involved in the activity that went on at the table after she left. In other words, what happened after she left --

THE COMMISSIONER: Yes.

MR. HUNT: ... was relevant to my question to her in dealing with what happened while she was there. To find out if anything that was said or done before she left precipitated what occurred after she left. Because what occurred after she left in my submission is most unusual and it would really have required something to precipitate it in order to explain it.

THE COMMISSIONER: You realize the purpose of it, Miss Forster, it is not to prove the truth of what took place at that time. It is only to say, if this happened, if this happened is there anything that you did that would have produced it. What is the objection?

MS. FORSTER: If my friend is reading it to her, and he regards it as unusual, I can't cross-examine Miss Halpenny on it.

THE COMMISSIONER: You know what it is, I don't know what it is he is going to read. What is it, whatever happened, was it devastating?



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MS. FORSTER: My friend is the one who characterized it.

MR. HUNT: Yes.

THE COMMISSIONER: Could I have that, could I just see the evidence for a moment?

MR. HUNT: Sure.

(Transcript handed to Commissioner by Mr. Hunt)

THE COMMISSIONER: Well, this is Miss Halpenny's evidence I take it, is it?

MR. HUNT: Yes.

THE COMMISSIONER: Well, I think you can - I don't - I want to hear argument from you before I reject it. But I would like to know why you have to read all of this? Can you not phrase the question in some way as to ask whether there was anything that she did that might have caused anyone to do anything, without mentioning names or anything else? This is conceivably cross-examination from Mrs. Trayner, and conceivably it is reason to call Miss Halpenny, but why should we have her evidence go in in this way? I can rise above it, but I am not too sure the media can, that is the problem.

MR. HUNT: Well, can I say first of all,I did indicate to Commission counsel through Miss Cronk a week or two ago that in my view Miss



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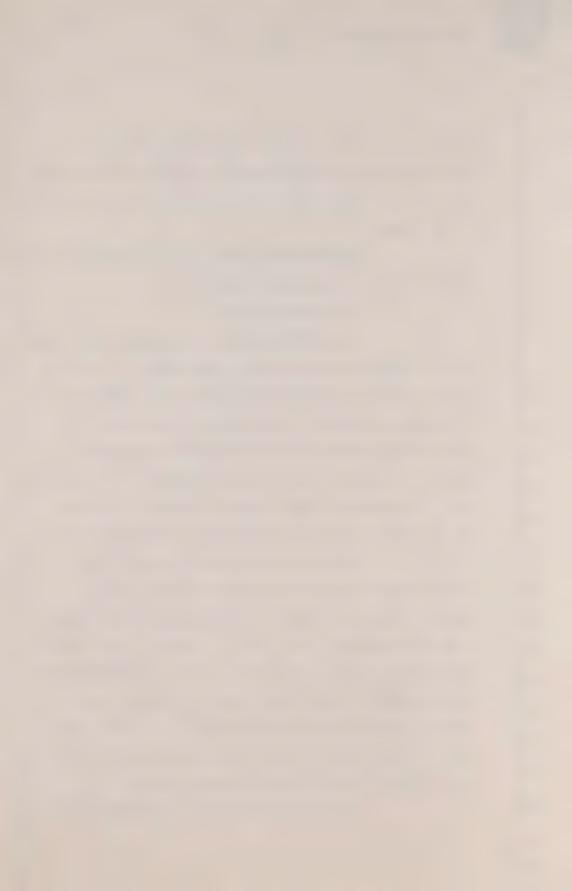
Halpenny should be called to give this evidence. I gather that may not occur because of time factors and other factors, but that was my position at that time. If she is not --

THE COMMISSIONER: Now, remember this, that we have the preliminary inquiry.

MR. HUNT: Yes.

THE COMMISSIONER: You can at any time read in, if you want to, as I understand it, I may or may not take it seriously, but under the Terms of the Order-in-Council I am supposed to read the preliminary inquiry, at least certainly read the Reasons. There is no reason why that sort of evidence can't be read in at some time on your own. But you see, putting it to this witness who wasn't there at the time is -- When the time comes when you say Miss Halpenny should be called, or say for what purpose, you see in order to bring out this evidence in the preliminary I will then - I don't know whether what your position is likely to be, Miss Forster, you might prefer to have it put this way rather than having it read from the preliminary. I don't know, but you don't have to answer that question, you don't have to take a stand one way or the other.

I have some trouble to see how much



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good it is going to do to you to read this to the Witness and then ask one simple question: "Was there anything that you said to anyone that would cause anyone to act in this manner?" isn't that what you are going to say?

MR. HUNT: Well, in fairness, I think to everybody concerned, my submission to you, that account of what took place at the table after Mrs. Scott left is of sufficient concern that at some point it is a matter you should consider.

THE COMMISSIONER: That is right. I will consider it. I will consider whether that oridence should be called and whether it should be read from the preliminary inquiry. But remember, there is certainly one person that you are going to be entitled to cross-examine on this.

MR. HUNT: Yes.

THE COMMISSIONER: To cross-examine on this matter and it may be totally unnecessary.

MR. HUNT: My point - and I don't necessarily have to read it, I can summarize it. The point I want to make through this witness is, given the account of what has occurred after she left the table, is there any possible explanation that she can think of, and this may well inure to the benefit



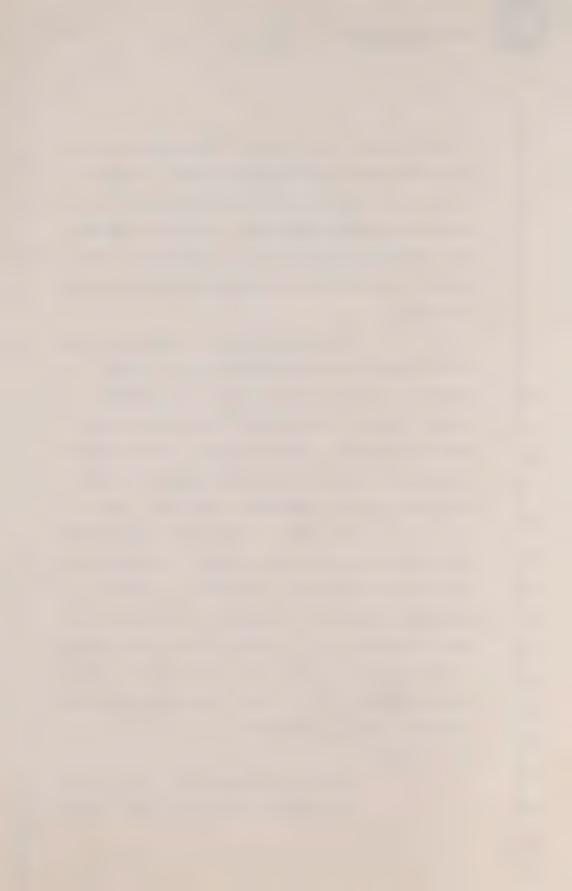
of Mrs. Trayner, based on what took place prior to her leaving that could account for Mrs. Trayner's actions after she left the table. It may be; I don't know what the answer will be. It may be that Mrs. Scott will have some piece of evidence that would provide the basis for that having occurred in which

THE COMMISSIONER: I think you could ask that question in an innocent way. I don't suggest for a moment the way you are intending is guilty. Except it is causing, it is the sort of thing that has been causing us some trouble the last two weeks and I can just see it rising its filthy head again in the newspapers, that's all. Try it.

MR. HUNT: I could ask the question;
I could summarize it; but in order to make the answer
worthwhile for anything I would have to include in
the summary without - I could do it without naming
names, although it may be obvious now, what happened,
in summary form, in order that the witness' response
as to whether or not there was any explanation for
it could be sort of weighted in any kind of context,
but I can try.

THE COMMISSIONER: Yes, Mr. Tobias?

MR. TOBIAS: I am sorry, Mr. Commissioner,





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perhaps I could just be permitted to make one observation. We have spent about ten or eleven minutes now discussing this issue. I am sensitive to the concerns that you have. It seems to me that now the cat is out of the bag anyway that if anyone in the press who wants to know what witness we are talking about has access to the transcripts of the preliminary hearing and can read it for themselves.

able to do that in the past. I have no doubt that they will be grateful to you. I notice that they failed to do that in the past.

MR. TOBIAS: We should not underestimate their industriousness.

THE COMMISSIONER: Well, summarize it whatever way you want; mention no names, you are now on the other side of this --

MR. HUNT: We have always been

THE COMMISSIONER: All right. Well then live by your code.

MR. HUNT: Yes, sir.

THE COMMISSIONER: And get it out, and ask if there is anything. I think I can tell you the answer right now, but you go right ahead and I



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think you will find you will get your answer very quantly.

MR. HUNT: All right.

Perhaps I will summarize it in a mypothetical fashion if I might?

THE COMMISSIONER: Yes.

MS. FORSTER: I am sorry, Mr.

Commissioner, really now there is no distinction

tween doing that and reading the transcript. Could

cossibly the witness look at the transcript and then

friend could ask her whether or not if that was a

fact what went on when she was not there, if there

anything that happened while she was there that

would lead her to think that --

THE COMMISSIONER: Does that satisfy

MR. HUNT: That would make it easier to summarize it.

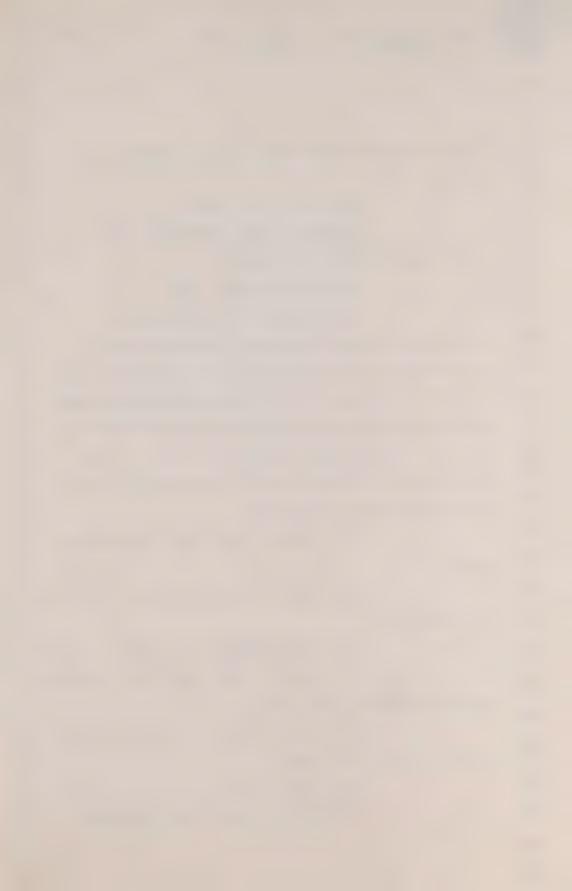
THE COMMISSIONER: All right.

MR. ROLAND: What pages are we looking at so we can all read along?

THE COMMISSIONER: It is starting on page 71, isn't that right?

MR. HUNT: Yes.

THE COMMISSIONER: And continuing





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(Witness handed transcript by Mr. Rosenberg)

THE COMMISSIONER: I had better give this back to you, Mr. Hunt, I guess. Yes, all right.

MR. HUNT: Q. Mrs. Scott, you have had an opportunity to read from the evidence of Mary Jean Halpenny in Volume 9, page 71 over to the top of page 75?

A. Yes.

Q. And that is her account of what the place after you left the table.

A. Yes.

Q. Now, is this the first time you

read that?

A. Yes.

Q. The first time you have been made aware of that account of what took place after you left the table?

A. Yes.



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0. Having looked at that and seen what she had to say about what happened after you left the table, can you tell us whether anything was said or anything was done by anyone before you left the table that would explain that activity after you left the table?

I don't remember anything being said, but she said Phyllis had to get up and reach over --

You had better not repeat --THE COMMISSIONER: Wait, wait, please. I don't want you to tell us what was said.

> THE WITNESS: She said that --THE COMMISSIONER: Wait, wait, wait.

I know this seems almost like a game, Mrs. Scott, but I don't want you to say what you have just read.

THE WITNESS: No.

THE COMMISSIONER: I don't want you to tell us what you have just read.

THE WITNESS: Sorry.

THE COMMISSIONER: What you have been asked, is there anything that happened while you were there before you left with the doctor, to assist the doctor with the intravenous problem, before you left the nurses' station, was there



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anything said or done that would, I suppose, explain?

MR. HUNT: Yes.

THE COMMISSIONER: Explain the activity that you have just read. Was there anything said or done before that?

THE WITNESS: I don't recall anything being said.

THE COMMISSIONER: Yes. And do you remember anything being done before you went to join the doctor and solve the intravenous problem? THE WITNESS: She had some of my

salad.

THE COMMISSIONER: She had some of

your salad?

THE WITNESS: Yes, she reached over and picked it up with her fingers.

THE COMMISSIONER: She had some of

your salad?

THE WITNESS: Yes.

THE COMMISSIONER: I see.

Is that any help to you?

MR. HUNT: Can I pursue that?

THE COMMISSIONER: Yes, you can pursue

that I think.



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your salad?

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MR. HUNT:  $\Omega$ . You said before you left the table she had some of your salad?

A. Yes.

Q. All right. I guess my question is, how does that relate to what Miss Halpenny indicated occurred after you left the table? There is a problem because I don't want the witness to relate that.

MR. ROSENBERG: Mr. Commissioner, could I have a word with Mr. Hunt?

THE COMMISSIONER: Yes, could you?

MR. ROSENBERG: Maybe I could help.

(Mr. Rosenberg and Mr. Hunt confer off record).

MR. HUNT: Q. Perhaps let me try it this way if I could: Before you left the table you were offered some of Mrs. Trayner's soup?

A. Yes.

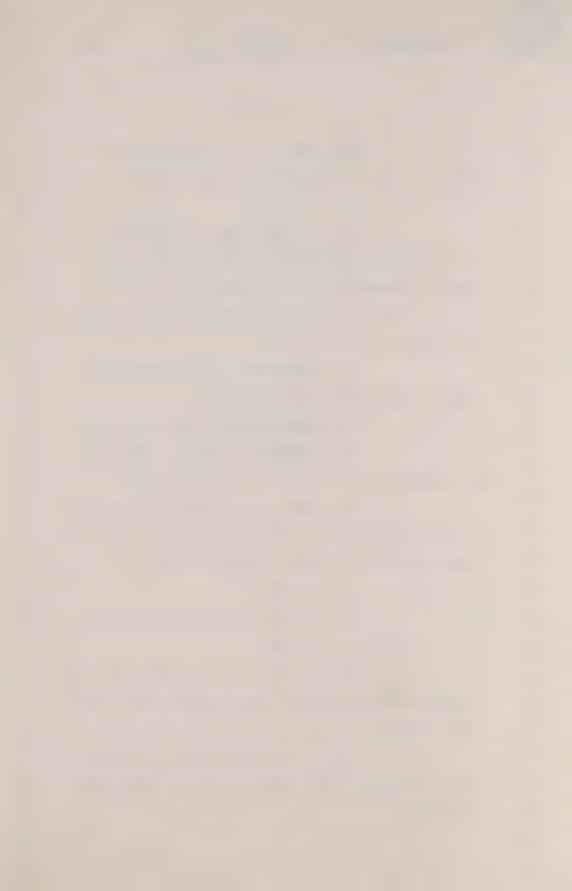
Q. All right. You had some?

A. Yes.

Q. And you have explained that.

Before you left the table did you offer her some of

A. She had some of the salad first and when I left the table I said, you help yourself.



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the	table	where	was	the	salad	locat	ted	in	rel	ation
to M	Ars. Ti	cayner:	?							

- We hadn't moved. A.
- Q. All right. Was it within

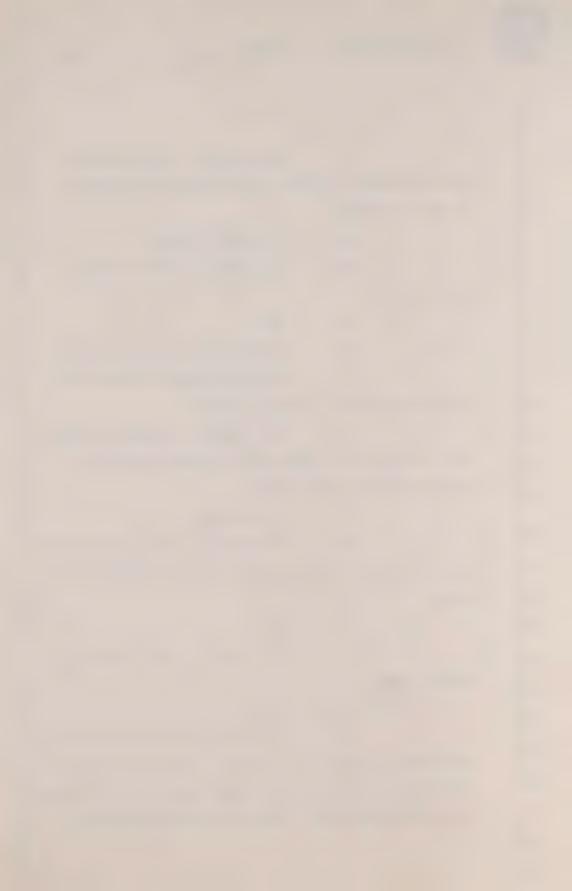
arm's reach --

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- A. Yes.
- -- of where she was seated? Q.
- Α. The salad was in front of me and the soup was in front of her.
- All right. So how far would that distance be between them, between where she was sitting and your salad?
  - Very close. Α.
- Can you give us an indication, say between you and the water glass in front of you there?
  - Yes. Α.
  - All right. That would be Q.

about 2 feet?

- · Yes.
- So after reading this account 0. and thinking through the events, one thing that you can think of that may shed some light on that is that you had invited her to have some of your salad?



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A. Yes.

Which was located on the Q. table the distance away that you have described? Yes. A.

Now did it cross your mind 0. some point, given that you had prepared the allad for eating the way you normally do and had some of it before you were called away and on your return you found it -- you found a certain number of pills in the salad, that these pills may have been placed there from the time that you left table until the time that you returned?

- That was my impression. A.
- That was your impression? Q.
- Yes. A.
- When you looked in your salad 0. and you saw the pills, were they wet or dry?
- A few were dry and one or two A. was wet.
- Yes. So one or two was wet 0. and that I take it would be from the salad dressing that you had put on?
  - Α. Yes.
- But there were others of them 0. that showed no signs of having been wet from the



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o Jad dressing?

- A. No.
- Q. So your impression was that

  pills went into your salad during the period of

  after you left the table to go and start the IV,

  veen that time and prior to your return?
  - A. Yes.
- Q. Can you tell us about how long
  - A. About ten, fifteen minutes.
- Q. Ten or fifteen minutes? Well,

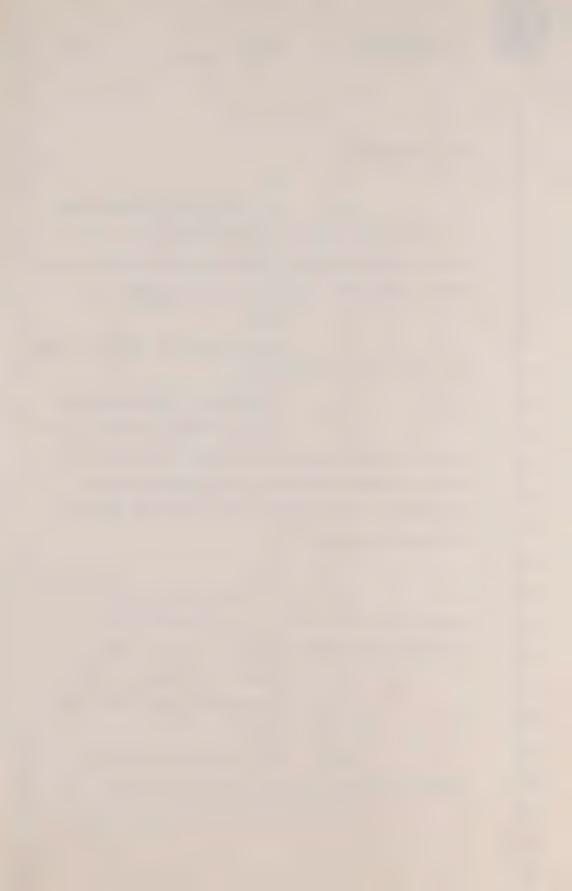
  this happened did you again canvass the idea

  that this event and perhaps the others that had

  involved you were perpetrated by somebody connected

  with Ward 4A and 4B?
  - A. Yes.
- Q. When did you think about that?

  As soon as you got back to your table or was it some time later that morning or the next day?
  - A. When I got back from TGH.
  - Q. When you got back from TGH?
  - A. Yes.
  - Q. Was there something that
- caused you to start thinking about it then?
  - A. Yes.



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Q. What was that?

MR. ROSENBERG: Before the witness

answers --

THE COMMISSIONER: I'm sorry?

MR. ROSENBERG: Mr. Commissioner, I am concerned about the answer to this question and where I expect Mr. Hunt is going, and I am just wondering whether at this point it is fair to the witness to ask the witness to in effect --

THE COMMISSIONER: I think what we should ask her probably in accordance with the ruling that we made some time ago, before asking her the conclusion she reached, the ground upon which she reached it.

MR. ROSENBERG: Well, that's the real problem.

MR. HUNT: That is what I thought I was doing when I said, what caused you to --

MR. ROSENBERG: But that's the real problem in this case because Mrs. Scott just doesn't have all the information concerning that event apparently.

It would appear from Miss Forster's questions, for example, that something happened at the Hospital and it may be there will be evidence of



something happening at the Hospital before they went over to TGH that caused her to act in a certain way, and I am just concerned that there is no point in asking the next question about what she thought --

THE COMMISSIONER: Well, I agree that just the mere thought isn't much help to us. Therefore I don't know whether we should have it -- certainly should not have it in this phase of the inquiry.

MR. ROSENBERG: Yes.

THE COMMISSIONER: But if there is a basis for it, I think we can investigate the basis and then decide whether -- I will hear any argument you have afterwards but could you just look at the basis upon which any conclusion was reached?

MR. HUNT: Yes.

THE COMMISSIONER: Trying once again to stop Mrs. Scott from giving the conclusion before she has given the reason. Can you try that?

MR. HUNT: Well --

THE COMMISSIONER: Then before she gives her conclusion you can argue again, but I want to hear --

MR. ROSENBERG: The problem is the conclusion and the reason are one and the same. I



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I know what she is going to say, so if you accept what I know will be the next answer then in my submission it has gone far enough already and there is no need to pursue it any further.

MS. FORSTER: Mr. Commissioner, I gree with my friend. If by going through the basis you are actually giving an answer --

question. There is no question about that. This is the difficulty about all of this. I am a stranger to this evidence and I don't know -- I have no idea what is coming forth.

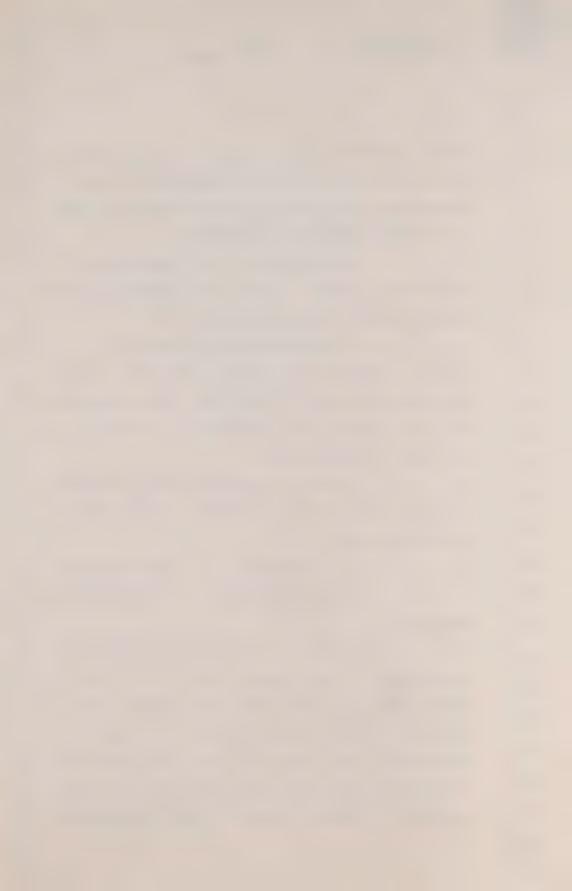
You had a fairly productive private conversation with Mr. Hunt before. Do you think you could have another one?

MR. ROSENBERG: He knows the answer.

THE COMMISSIONER: He knows about it,

does he?

Well, I will tell you what we are going to do. We are going to have to -- I know I don't approve of these and I try to avoid them at all cost, but we will find a place at a quarter past two to have this matter out, and it will be a private meeting, and we will find out. It will be somewhere on the 21st floor. I don't think any of



Scott cr.ex. (Hunt)

those things are occupied. I think the 21st floor, we will have it at quarter past two.

MR. TOBIAS: Is the guest list to be restricted, Mr. Commissioner, or are all counsel invited?

THE COMMISSIONER: All counsel are nvited, yes, but no others, and perhaps Mrs. Scott. think we will need her.

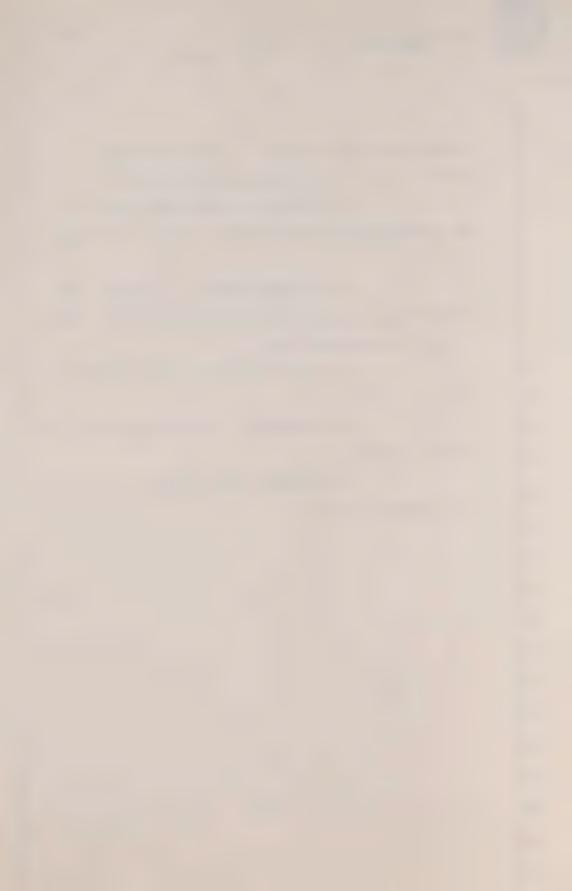
We will rise then until a quarter past

MR. ROSENBERG: Do you want Mrs. Scott

be available?

THE COMMISSIONER: Yes.

--- luncheon recess.



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resuming at 2:23.

THE COMMISSIONER: Yes, Mr. Hunt.

MR. HUNT: Yes. Thank you, Mr.

are the ner.

Q. Mrs. Scott, before I leave the the incidents we have been discussing this as this was continuing on over this period ime from late August through until early October, atmosphere in the ward become quite tense and full full as a result of these instances that

A. Yes.

Q. And did you yourself feel that

Writtue of the nature of the things that were happening; the phone calls; the pills in the food;

etc., that whoever was responsible for those incidents

was someone who needed some help?

A. Not really.

O. Pardon?

A. No.

THE COMMISSIONER: I'm sorry, you said

no?

THE WITNESS: No.

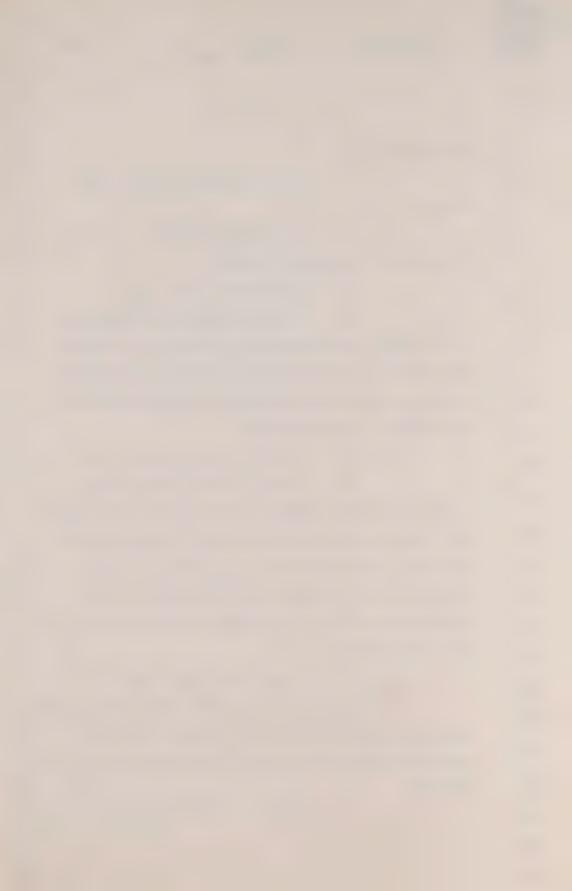
Q. Did you feel that the activity was such that it disclosed a person who was somewhat



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unbalanced?

- A. No, I thought she did it to create a stir.
- Q. You thought whoever was doing it was doing it to create a stir?
  - A. To create a stir, yes.
- Q. In any event, would you agree with me that the things that were done by whoever was doing it, as you thought, to create a stir, was certainly strange and certainly exhibiting strange and somewhat weird behavior?
  - A. It did cross my mind, yes.
- Q. Now, if I can take you back to the time period between July of 1980 and March of 1981, that is the period in which the deaths were occurring. At some point in time did it become a matter of some concern that the deaths of the children were occurring during particular hours in the early morning?
  - A. Could you repeat that?
- Q. Did it become something that was generally acknowledged by the nurses that these deaths were occurring between particular hours in the morning?
  - A. Yes.



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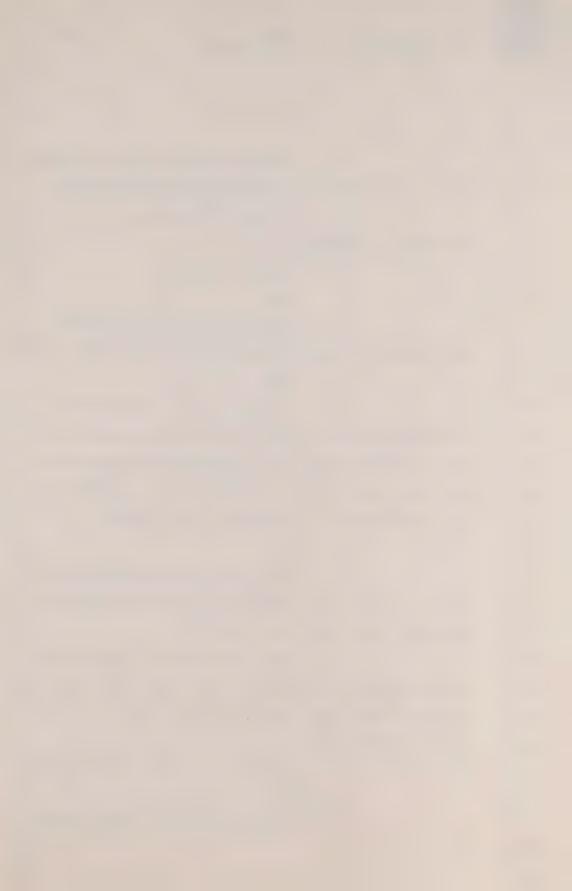
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		Q.	An
deaths	in	March	of
		Α.	Ye
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And when did that sort of become 0. natter that was acknowledged and commented upon?

I think we became aware of it A. time in February.

- February of 1981? Q.
- Α. Yes.
- d that lasted through until Allana Miller and Justin Cook?
  - s.
- think you have indicated that chart deaths and the onset of the events seemed to spar frequently after the nurse who was responsible or a baby went off for a break, be it a coffee break a lunch break or something of that nature.
  - A. Yes.
- What were the hours then during which it became an acknowledged matter of conversation that the deaths were occurring?
- Just about when we finished our lunch and it was nearly the time, about quarter past two, two, or quarter past two and we began to look at the clock.
  - You began to look at the clock? 0.
  - Yes. Α.
  - Who would begin to look at the Q.



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clock?

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A. I think all of us.

O. Yes.

A. And we kept looking at the clock, and

at 3:00 nothing happened we sort of breathed sigh of relief.

Q. And this was because so often things did start to happen in that period of time?

A. Yes.

Q. Did it become a matter then of great stress working those early morning hours?

A. Yes.

Q. Something that you found unpleasant, or that you didn't really want to do?

A. I felt very unhappy over all these deaths and it became so bad that I didn't want to go to work.

Q. Youdidn't want to go to work?

A. No.

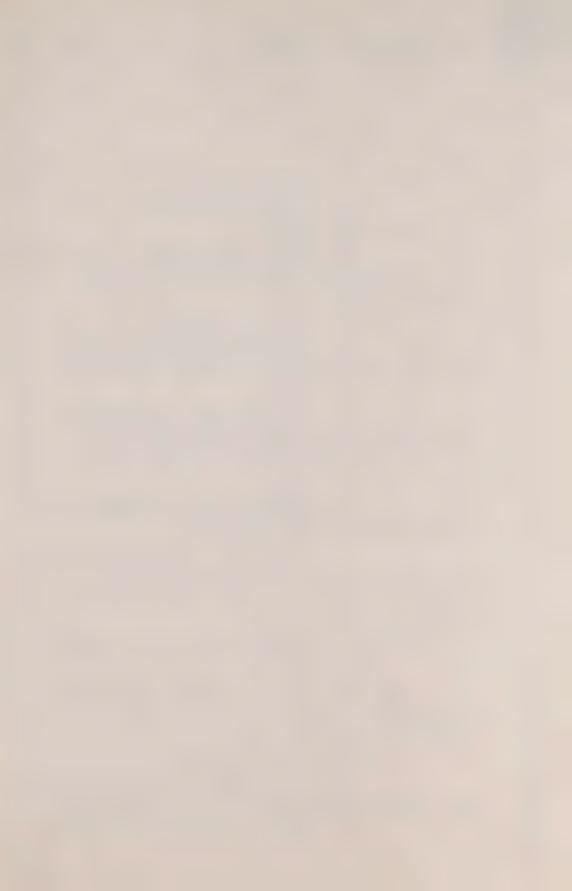
Q. Just when you were working the

night shift?

A. The night shift.

Q. So it became so bad you didn't want to go to work when you were on the night shift?

A. Yes.



cr. ex. (Hunt)

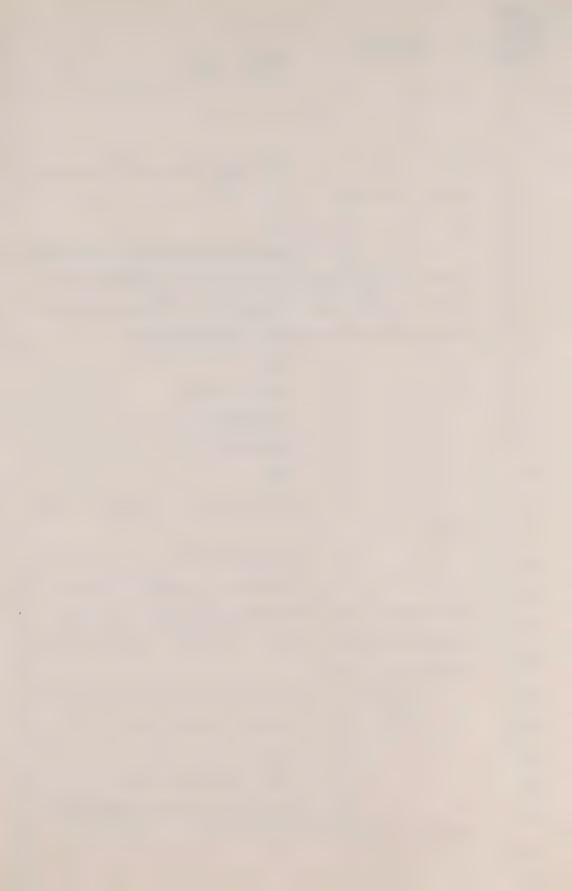
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3 1		) .	That wasn't true when you were
·i	day shift	:?	
4.	A	4.	No.
5	Q	2.	And those hours when the terminal
6	or the c	nset	of the critical symptoms would
7	nd the ch	ildre	en would die, did you ever hear
8	eferred t	o by	any particular name?
	A	٠.	Yes.
Ü	Q	) .	What was that?
10	A	7 -	Witching hour.
<u>.</u> .	Q	) .	Witching hour?
3 (*) 7 ==	A	١.	Yes.
13	Q	) •	Who did you hear refer to it as
4 6	on a little		
4 .	А		Phyllis Trayner.
15',	0		During this period of time was
10			ou observed and experienced who
17			with the deaths of the children
18			with the deaths of the children
	than anyone else		Duran de la chatalant de como mondo
19	A		Preoccupied, what do you mean?
20	Q		Talked about them more.
21	A	•	We all talked about the deaths.
22	Q	•	Yes, I appreciate that.
1	A		But Phyllis Trayner seemed to be

talking a lot more than any of us.



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	(	2.	Was	the	ere	anyone	that	you	ob-
OCT DC	who, more	thai	n any	one	els	se, seeme	ed to	get	them-
Alexan	involved	in t	the c	ardi	iac	arrest	situ	ation	ıs
mi res	suscitati	on at	ttemp	ts?					

- A. Yes.
- Q. Who was that?
- A. Phyllis Trayner.
- Q. Did you observe that she took any
  - A. My own impression?
  - Q. Yes.
- A. My own impression was that she there all the time, and she even sort of took over the arrest was happening in 4B.
  - O. When the arrests were in 4B?
  - A. Yes.
  - Q. As opposed to 4A?
  - A. Yes.
  - Q. She was getting involved and took

## over?

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- A. Yes. I thought this should be Mrs. Bell's responsibility.
- Q. Did you come to any conclusion in your own mind as to why this was happening, why she



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to be getting involved or taking charge when

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24 25 was involved?

No.

Q. And in your experience during riod of time was there anyone who relieved lot for their breaks, or lunch, more than Do you understand what I am saying? During period of time, was there anyone that you observed ieved nurses who were on constant care, more thers so that they could take their breaks?

> On our side? A.

Yes. Q.

Yes. A .

Who was that? 0.

Phyllis Trayner. Α.

THE COMMISSIONER: I'm sorry, who was

dita de

THE WITNESS: Phyllis Trayner.

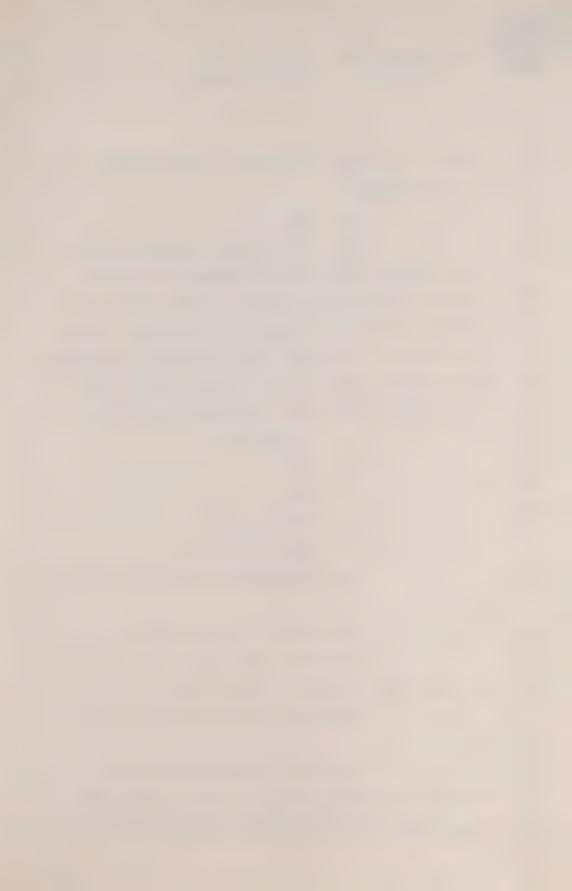
MR. HUNT: Thank you. Those are all the questions I have, Mr. Commissioner.

THE COMMISSIONER: All right, thank

you.

MR. YOUNG: Mr. Commissioner, Mr.

Percival was called away and we will be doing our cross-examination but with your indulgence we ask to



be set aside.

THE COMMISSIONER: Yes, all right.

Mr. Roland, are you prepared to step in?

MR. ROLAND: Yes, I have just a couple

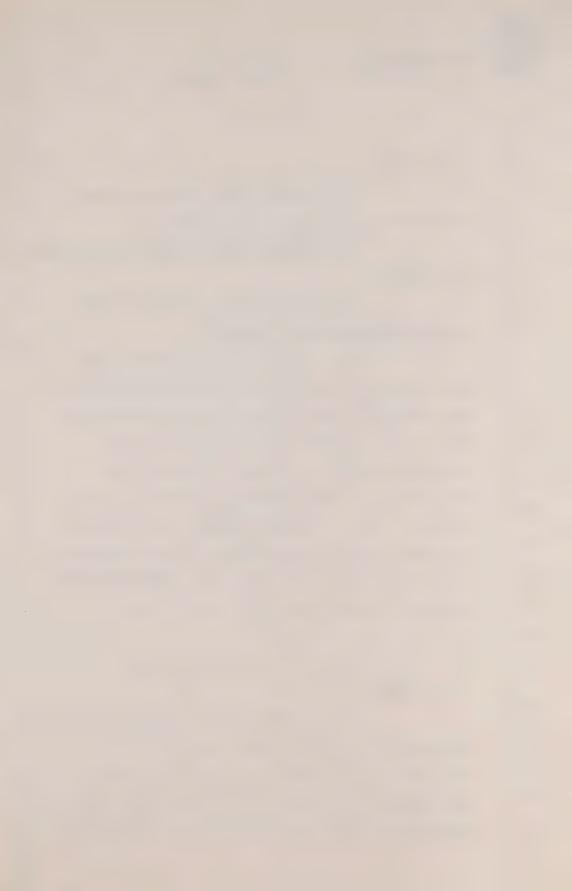
of questions.

THE COMMISSIONER: Yes, all right.

## CROSS-EXAMINATION BY MR. ROLAND:

Q. Mrs. Scott, in dealing with
Baby Estrella you said that, when questioned about
Baby Estrella's death, the events just before her
death, by Mr. Lamek, that on that last shift
you worked in which she died, and under your
care, that you had no immediate concern that she
would not make it through the night. But you also
said that you were surprised by the death that night
but not surprised in another sense considering her
condition, because she was a very sick child.

- A. Yes.
- Q. Do I have that right?
- A. Yes.
- Q. And I gather then you would agree from your own assessment you would not disagree with Dr. Rowe's evidence, when he testified in these proceedings, that it was his impression that this was one of the sickest and most difficult children to



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manage because of her condition?

- A. Yes.
- Q. You would not disagree with that?
- A. No.
- Q. And he gave us that evidence I think from his own conversations with Dr. Duncan who cared for the child.

With respect to Baby Gardner, did I understand your evidence correctly that you had much the same view, or not, with respect to that baby? That is, that you didn't expect Baby Gardner to die but that Baby Gardner was as well a very sick baby, on prostaglandin.

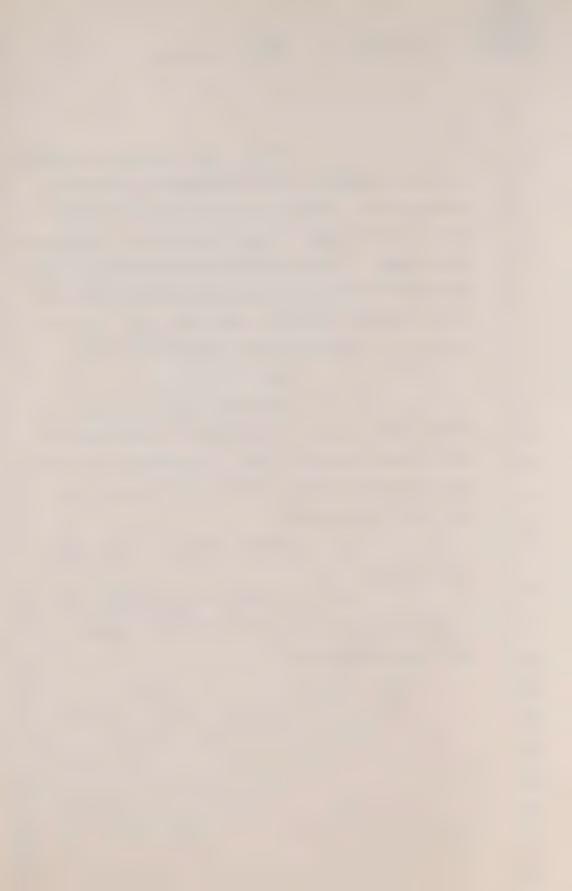
- A. What I meant was that I didn't expect the baby to die that night on my shift.
- Q. Yes. I take it with that baby as well you recognized that Baby Gardner was at real risk because of her anatomical condition as well?
  - A. Yes.
- O. That the ductus might close over at any time, and if that happened it would result in a very sudden decline in the baby's condition?
- A. Yes, that is why we were concerned when the I.V. went interstitial.



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Q. Now Mr. Lamek examined you, and he took you through the ward Communication Book which is Exhibit 300. He pointed out to you an excerpt of the book on page 5, indicating the note concerning Baby Dawson, a note that there was some question about the cause of death. You indicated that you were not at the meeting in which - after which that note was written, but you did read the Communication Book.

- A. Yes.
- Q. And on the following page, at page 6, there seems to be an answer in the book for Baby Dawson's death, at least it indicates that there was an autopsy and the results of the autopsy; did you read that as well?
- A. I could have but I don't recall specifically.
- Q. You don't recall reading that on page 6? Let me show it to you so you can see what I am talking about.



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You don't recall reading that one way or the other?

No.

If you did read it, I take it, though, it would have allayed any concern you had about the cause of death of Baby Dawson?

> Yes. A.

THE COMMISSIONER: I haven't got that take it that is the perforation of the .... is it?

MR. ROLAND: Yes.

MR. LAMEK: It is the diaphragm.

MR. ROLAND: Diaphragm, yes.

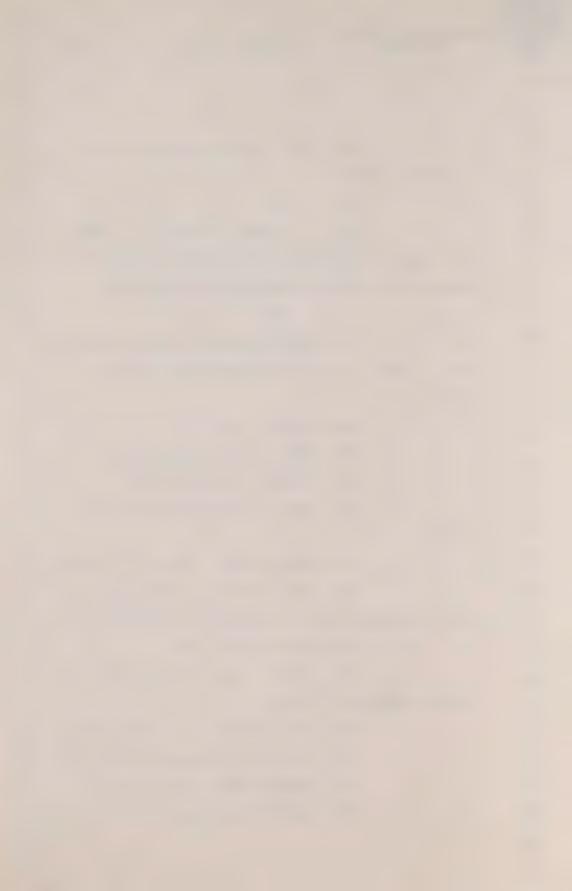
MR. LAMEK: Not perforation of the

stomach.

THE COMMISSIONER: What is it, sorry? MR. LAMEK: The note refers to the post mortem showing of an abscess on the diaphragm. THE COMMISSIONER: Yes.

MR. ROLAND: Thank you. Those are all the questions I have.

> THE COMMISSIONER: Yes, Miss Chown? MS. CHOWN: No questions, thank you. THE COMMISSIONER: Miss Kitely? MS. KITELY: Thank you.





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## UROSS-EXAMINATION BY MS. KITELY:

Q. Mrs. Scott, my name is

Note: It is and I act for the Registered Nurses' Association and 39 individuals, and just a couple of areas

want to speak with you about.

Scott

On the weekend of Justin Cook's

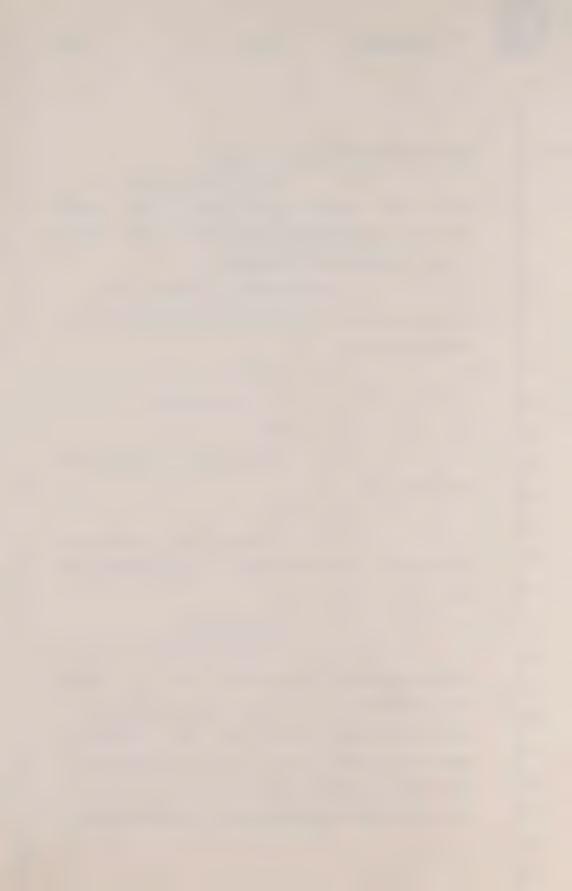
The you worked on the Saturday long day and the

Landay long day.

- A. Yes.
- Q. Is that correct?
- A. Yes.
- Q. And Monday and Tuesday were

days off?

- A. Yes.
- Q. And you would in the normal course have reported for work on the Wednesday for the day?
  - A. That is right.
- Q. And you gave your evidence yesterday (and Mr. Commissioner, this is at Volume 118, page 6962) and I think I can paraphrase for you, you indicated to Mr. Lamek that you thought when you attended the meeting at Liz Radojewski's house on the Monday night that you might have been told then not to come in to work on the Wednesday.





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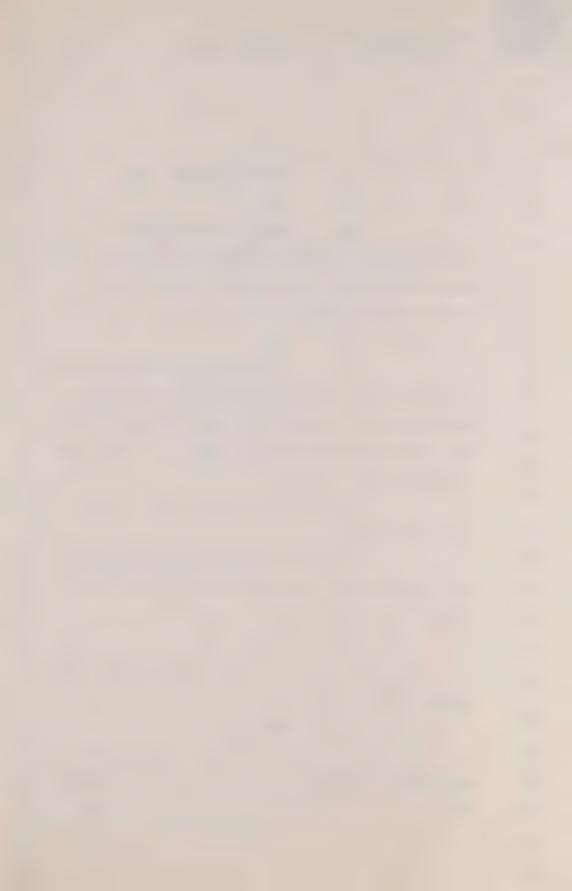
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- A. Yes.
- Q. Do you remember that?
- A. Yes.
- Q. And Mr. Lamek asked you whether you had a clear recollection of being told in all on the Monday night and you answered him no.
  - A. Yes.
- O. I suggest to you that in fact with had a call from Liz Radojewski on the Tuesday hile you were at home, and it was in that telephone that she told you not to come in for work the collowing day. Is that --
- A. It could be, yes. I have recollection.
- Q. Do you have a recollection of that any more than the recollection of the Monday
  - A. No.
- Q. It could have been one or the other?
  - A. Yes.
- Q. Now I would like to deal with the Inderol on the Saturday with respect to Justin Cook.



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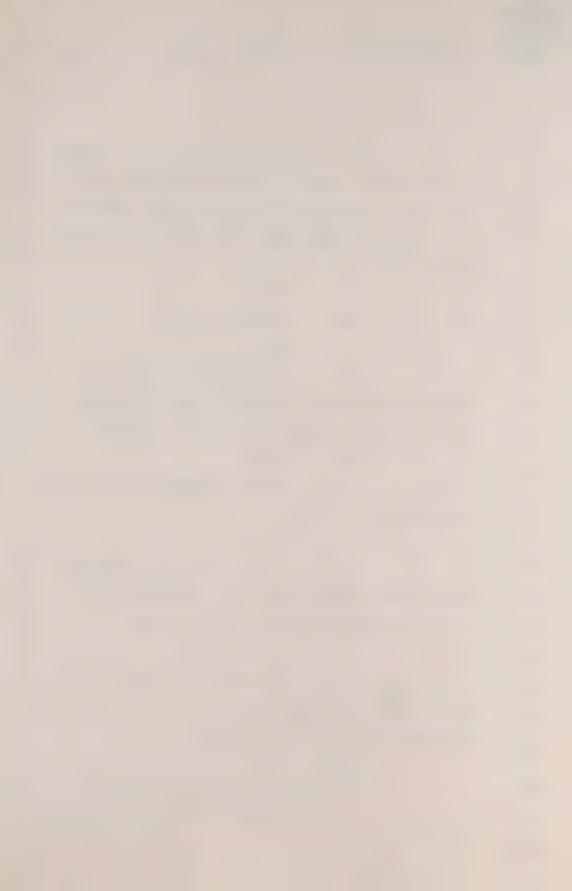
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You have been through this a couple of times, but I want to lead to a different point so if you will bear with me, Mrs. Scott. About 5:45 I gather you got some oral Inderol from another floor?

- A. Yes.
- Is that correct? 0.
- A. Yes.
- You brought it down in a Q. syringe and when you brought it from the seventh floor there was enough in it for two dosages?
  - A. Yes.
- And you administered one from Q. the syringe?
  - A. Yes.
- 0. Put it into the medication cup and then took it from the cup with another syringe and administered it to the child?
  - That is right. A.
- And then the syringe that 0. you had used to bring it from the seventh floor you labelled and put in the refrigerator?
  - A. Yes.
  - That was oral digoxin? Q.
  - A. Yes.



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- Q. Now at the time you went for the oral, do you know whether there were any vials of IV digoxin?
  - A. When?
- Q. When you went to get the oral --
  - A. Yes.
  - Q. -- from the seventh floor -MR. ROSENBERG: I'm sorry, did you

mean digoxin?

MS. KITELY: I meant Inderol. Thank you, Mr. Rosenberg.

- Q. At the time you went to the seventh floor to get the oral Inderol do you know whether there was any IV Inderol on the fourth floor?
  - A. No, I didn't check that.
- Q. So then later you have given this one dose from the syringe and the doctor comes into the room and he wants to administer a second dose of Inderol?
  - A. Yes.
  - Q. Is that correct?
  - A. Yes.
  - Q. Now I understand that you then

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BB6 2	went to the medication	room to get IV Inderol?
3	A.	That is right.
4	Q.	And you came back with a vial
5	in your hand?	
6	Α.	And a syringe, yes.
	Q.	And a syringe?
7	A.	Yes.
8	Q.	And by the time you got back
9	into the room Marie Mar	ndal, the team leader, had
10	brought the crash cart	into the room
11	A.	I don't know whether she
12	brought the crash cart	or not, maybe Mary Cooney.
13	. Q.	But somebody brought the
	crash cart	
14	Α.	Yes.
15	Q.	when you were out in the
16	medication room?	
17	A.	Yes.
18	Q.	And by the time you came back
19	someone else was drawin	g up Inderol from a vial that
20	had been on the crash o	art?
	· A.	Marie Mandal was drawing it
21	up.	
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Q. All right. Now that meant that you were standing there with a syringe and a vial in



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hand --

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Yes. A.

0. -- while someone else was using another syringe and vial?

> Yes. A.

Am I correct you then put the 0. vial that you had brought from the medication room onto the crash cart?

> Α. That's right.

Now while you were in the 0. medication room getting the IV Inderol can you tell us how much of quantity was there of IV Inderol in the medication room? Did you take the last one?

> I don't know. Α.

Do you have any recollection Q. as to whether there was more than that one vial?

> A. No.

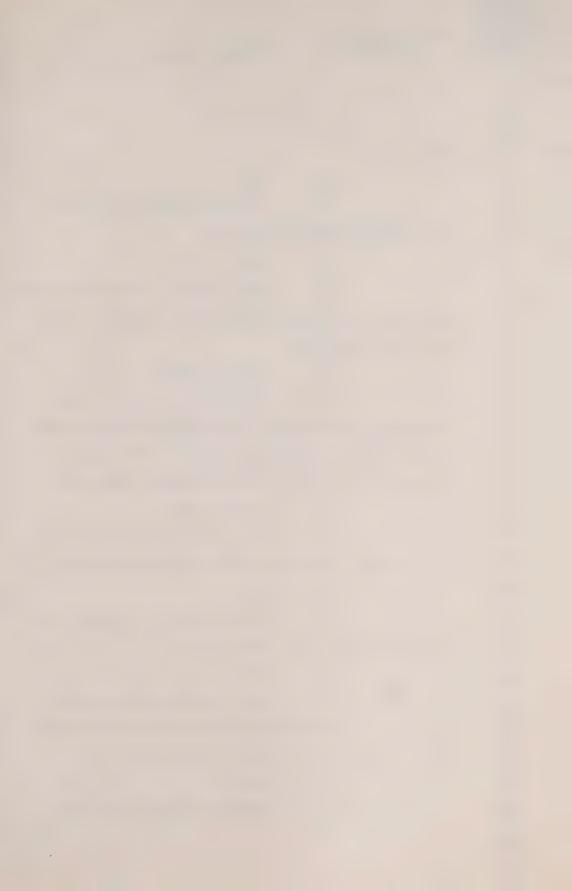
At any rate -- and then you Q. leave the vial on the crash cart?

A. Yes.

O. And that is close to the time when the doctor says there ought to be constant care for this child for the rest of the shift?

> Yes. A.

And you remained with the Q.



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child for the rest of the shift?

A. Yes.

Q. Was the crash cart taken back out into the hall?

A. Yes.

Q. And was it you personally who put the IV onto the crash cart or was it Miss Mandal?

A. The one I brought from outside?

Q. Yes.

A. I put it.

Q. When you put it on the crash cart do you know whether there were any others there or was that the only one?

A. I don't know.

Q. We have heard evidence from Miss Johnstone whom you know is one of the night supervisors --

A. Yes.

Q. -- at about 12:30 that evening (and Mr. Commissioner, this is found in Volume 103, page 3395 of the evidence of Lynn Johnstone), she gave evidence that at about 12:30 that night she was asked by Phyllis Trayner to get some digoxin -- some Inderol from another floor.

Now do you know whether at the time

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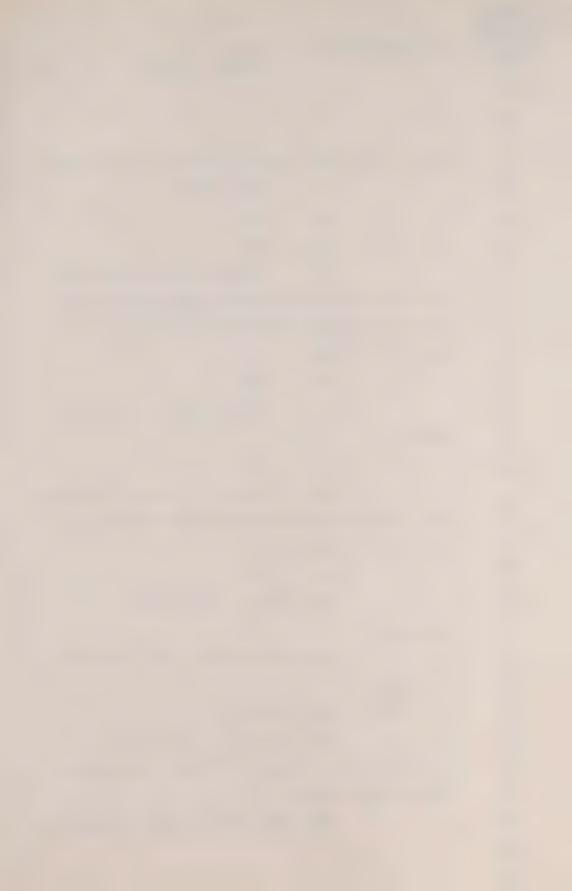
THE COMMISSIONER: Well, we came to a



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BB9	2	you left the floor they had run out of all Inderol?
	3	A. IV Inderol?
	4	Q. Yes.
	5	A. No.
	6	$Q_{\circ}$ Do you have any knowledge
	7	as to the stock of IV Inderol other than the one
	j.	that you personally placed on the crash cart at
	8	about six o'clock?
	O.	A. Yes.
	10	Q. Do you have any other know-
	11 j	ledge?
	12	A. No.
	13	Q. So you can't help us with the
	ì	other quantities of Inderol on the floor when you
	14	left the ward that night?
	1.5	A. No.
	16	MS. KITELY: Those are all my
	17	questions.
	18	THE COMMISSIONER: Yes, thank you,
	19	Miss Kitely.
	20	Mr. Percival?
		MR. PERCIVAL: I apologize, Mr.
	21	Commissioner. I thought the meeting was going to
	22	last a little longer.

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remarkable unanimity except for one.

## CROSS-EXAMINATION BY MR. PERCIVAL:

- Q. Mrs. Scott, may I deal with a matter involving your past nursing experience. As I understand your evidence you first joined The Hospital for Sick Children in February of 1980?
  - A. Yes.
- Q. And prior to that, aside from working part-time there had been a period of about ten or eleven years when you had not worked as a hurse?
  - A. Yes.
- Q. I gather you have also told

  Mr. Lamek that you had no prior experience prior to

  The Hospital for Sick Children nursing in pediatrics

  or alternatively in cardiac --
  - A. Cardiology.
  - Q. -- cardiac pediatrics.
  - A. Yes.
- Q. Initially when you joined
  The Hospital for Sick Children did you experience
  some problems with respect to drug errors in your
  mathematics?
  - A. Yes.
  - Q. And was that something that

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you had some discussions with the team leaders and the head nurses about?

A. I didn't have any discussion

The hem. I just checked the drug calculations

Phyllis Trayner.

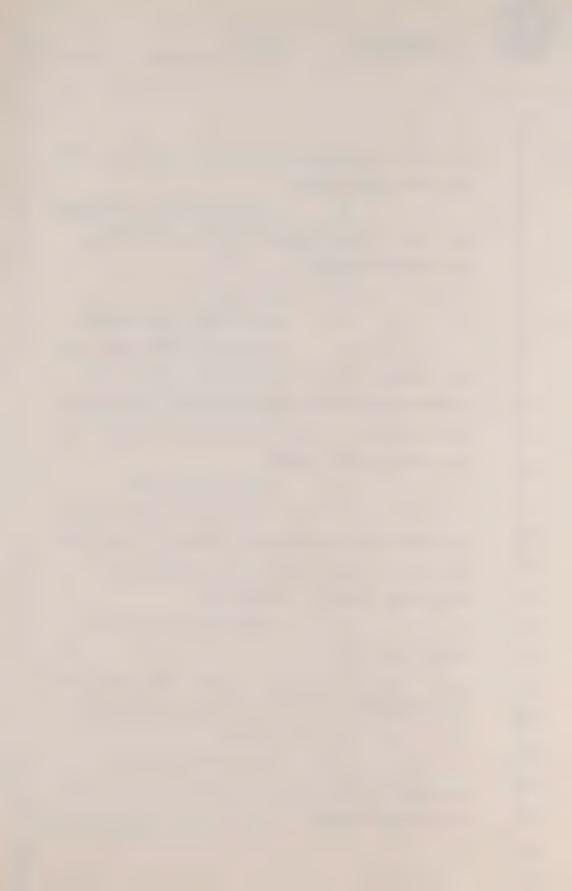
- Q. All right.
- A. And we both made mistakes.
- Q. I understand that, and I am

  I waying to you, initially did you have some

  I ms because your past experience had been with

  and here you were dealing with babies with

  min more minute dosages?
  - A. I was overcautious.
  - Q. I understand. Well, were you aware of the fact or did anybody tell you that from time to time people were monitoring your medication giving to the babies?
  - A. I didn't know until the solice asked me.
  - ?. All right. And do you now know that aside from what the police told you?
    - A. Pardon?
  - Q. I mean have you made enquiries to find out whether or not they were in fact monitoring you?



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A.	Yes	
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Q. And were they?

A. I didn't ask anyone.

THE COMMISSIONER: Sorry, you didn't

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THE WITNESS: No. By that time I was away from  $4B_{\circ}$ 

THE COMMISSIONER: What Mr. Percival asked you, though, if you had made enquiries and you said yes.

THE WITNESS: I'm sorry.

THE COMMISSIONER: Then he asked what they were and then you said -- I take it you didn't make enquiries?

THE WITNESS: No.

THE COMMISSIONER: You didn't ask

anyone?

THE WITNESS: I didn't ask anybody.

MR. PERCIVAL: Q. I take it from

your evidence this morning that this exhibit involving the medication error involving Baby Paul Murphy was something rather new and startling to you?

A. Yes.

Q. And up until the point in time that your counsel had drawn it to your attention



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nobody had drawn it to your attention at The Hospital for Sick Children?

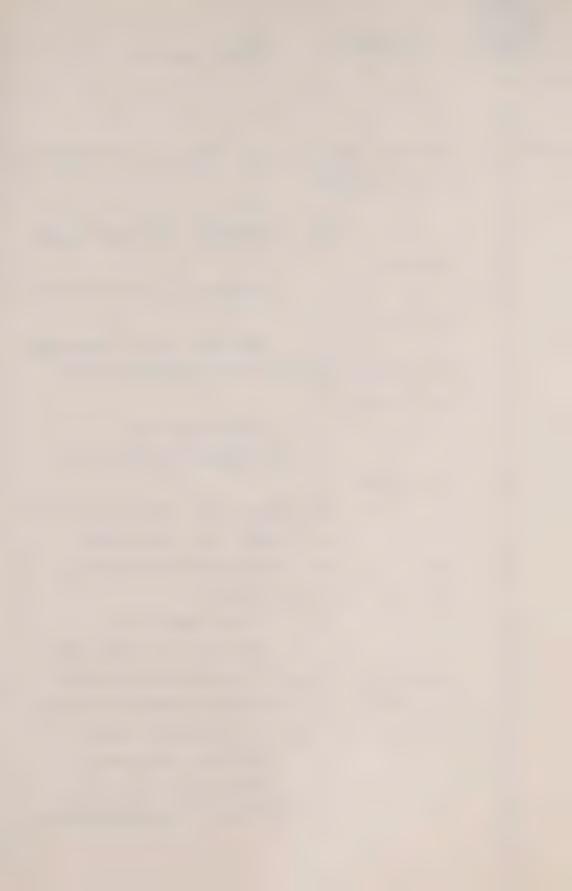
- No.
- And did you find that rather 0. surprising?
- I didn't even know I had made Α. that error.
- All right. So if a medication Q. error had been made and it was documented nobody told you about it?
- I didn't see the ... THE COMMISSIONER: You didn't see the document?

THE WITNESS: Yes, I didn't see the --MR. PERCIVAL: Q. Did anybody ever tell you that you had made an error quite apart from seeing the document?

- I don't recall.
- Quite apart from that one Q. incident are you aware of making any medication error on 4A and 4B in the administration of digoxin to any baby that might have caused its death?
  - Not that I can recall. Α.
  - Q. Thank you.

I want to deal with the second matter

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involving the matter of charting of medication,

Mrs. Scott. Have you ever administered medication
to a patient and failed to chart it?

A. Sometimes.

Q. Under what circumstances have you administered medication to a patient and failed to chart it?

A. When I came back next day.

Q. Well do I take it that you failed to chart it one day but you picked it up the next day?

A. Yes, I remember once.

Q. I beg your pardon, ma'am?

A. I charted it next day when

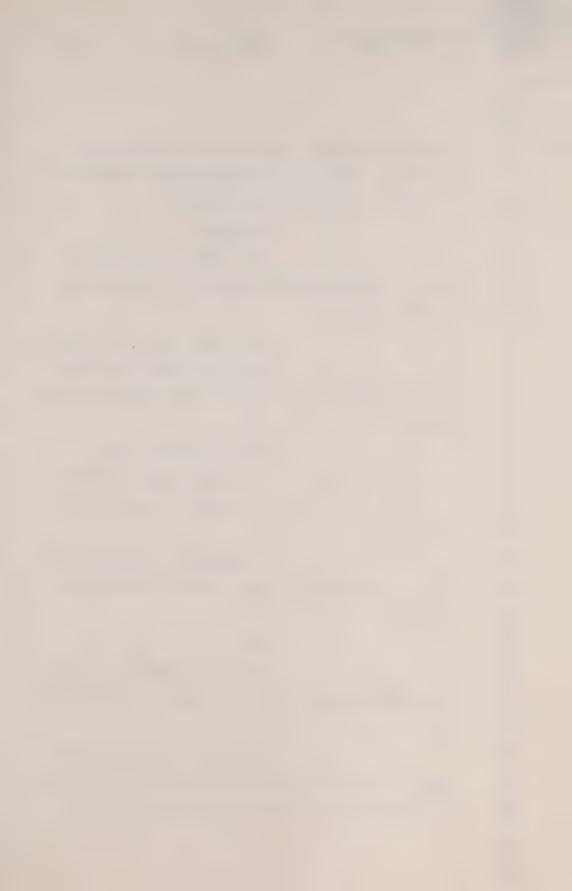
I came back.

Q. I understand. So those are the only occasions when you had forgotten to chart it?

A. Yes.

Q. And was it brought to your attention next day and that is when you would chart it?

A. No. When I went over the chart -- when I chart medication for that day and I saw I didn't sign it the previous day.



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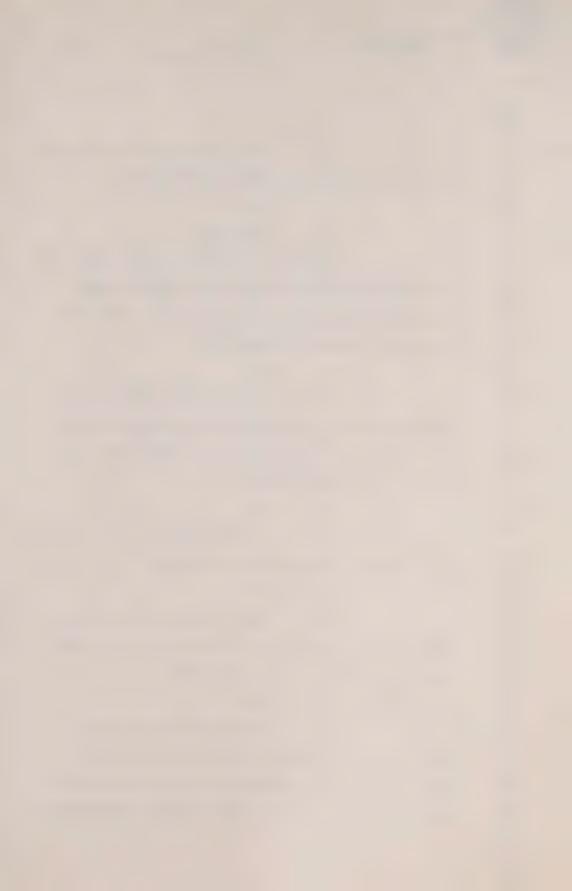
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- Q. So if there was an omission, the omission lasted no more than 24 hours?
  - A. Yes.
  - Q. Thank you.

Have you ever charted the administration of medication in a patient's medical chart and signed it but never having actually given the medication yourself personally?

- A. No.
- Q. Have you ever charted the administration of medication in a patient's chart and signed it and had some other nurse give that medication to that patient?
  - A. No.
- Q. I gather you are not supposed to do either of those things, are you?
  - A. No.
- Q. Have you ever seen another nurse do that on Ward 4A and 4B during the 9-month period with which we are concerned?
  - A. No.
- Q. Was that ever discussed during that time period, the nine months being from July of 1980 through to March of 1981 where charting was done by one nurse and the administration



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of medication was done by another?

A. No.

Q. During this time period that you were on 4A/4B and again that is the 9-month period, from time to time did you ever participate in any discussions with other nurses about the quality of life the babies on that ward would have had they survived?

A. Yes.

Q. And who did you have those discussions with?

A. Oh, generally it would be the nurses during coffee break.

Q. Well in particular did you have discussions with Phyllis Trayner and Susan Nelles about the quality of life --

A. Yes.

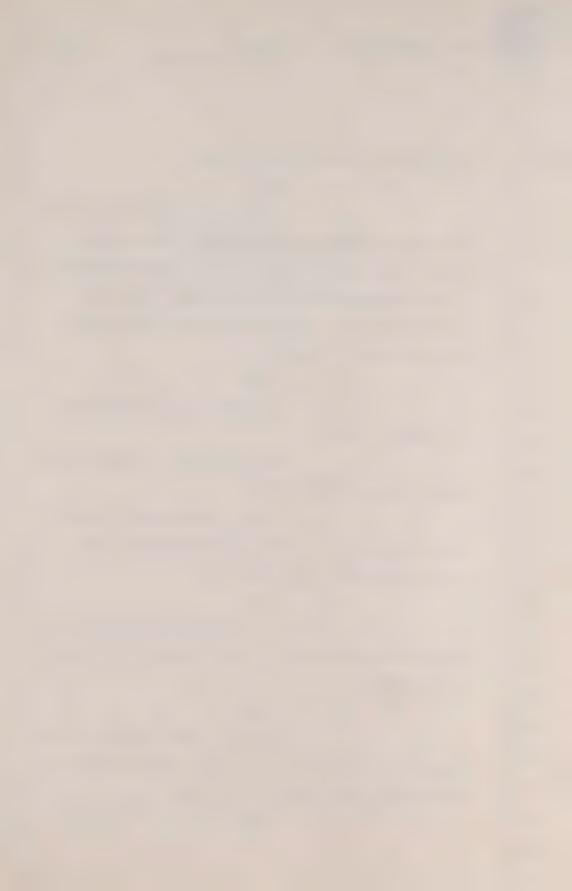
Q. -- and what sort of life the babies would live even if they managed to get out of the Hospital?

A. Yes.

Q. And was that something that came up quite frequently on Wards 4A and 4B because of the very sick babies on the ward?

A. Yes.

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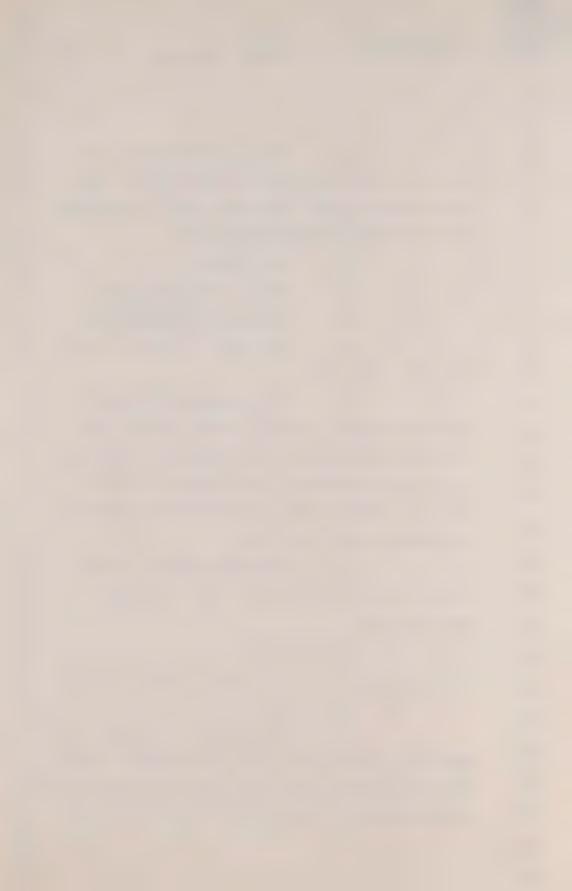
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- Did the conversation ever Q. it to the point when you as nurses and the people in the Hospital would talk about that the children ght be better off dead than alive?
  - Not that way. Α.
  - Well, in what way then? Q.
  - We discussed the quality --Α.
  - I'm sorry. Keep your voice Q.

miss. Thank you.

- Α. You see, when the babies Heave the Hospital we don't know -- we don't know how they fare because we don't have the follow-up we often discuss how the babes are getting on fter the operation and when they go home and how the parents manage the babies.
- What about whether or not 0. they are likely to ever live beyond the ages of ten or eleven?
  - A. Yes.
  - You have discussed that? 0.
  - Yes. A.
- Did you and the nurses discuss 0. the fact that you were doing such wonderful things for them at the Hospital and it was not really going to prolong their lives all that much?



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No. We discussed sometimes Α. if the babies were too sick, we just thought that, you know, it could be better for the parents.

- If the child died? Q.
- Α. Yes, naturally.

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- I understand. And were these 0. discussions that you have told us about something that occurred right from the beginning of this nine month period right through to the end of the nine month period from time to time?
  - Α. Yes.
- And did they become more 0. frequent towards the end of the nine month period?
  - I don't recall. A.
- Now, during the course of 0. those nine months, Mrs. Scott, you told Mr. Lamek that you noticed nothing unusual on Wards 4A and 4B that might be somehow relevant to the Royal Commission with which we are now participating in and you said you couldn't recall anything more. Do I take it that you never noticed any suspicious person or persons on these long nights that you were on these wards who weren't supposed to be on the ward?
- From time to time we saw other people that were not working on 4B or A.
- Where would they be, in the Q. corridor?
  - Just passing through. A.
- All right. But do I take it 0. you never saw these individuals near the babies'





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beds?

A. No.

Q. And do I take it so long as the individual near a baby's bed was a nurse or a nurse's aid or a physician you would really not pay too much attention to it because they are supposed to be in that area?

A. Yes.

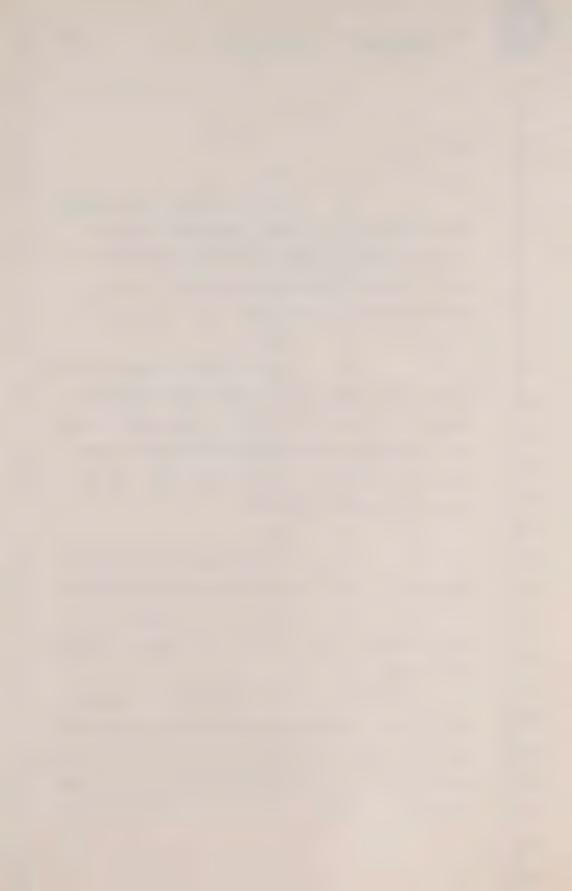
Q. You have told us that at least on the night that Baby Estrella died that Phyllis Trayner, who was then acting as team leader, came in I believe on two occasions and wanted to know whether you wished to stretch your legs. Do you recall giving that evidence?

A. Yes.

Q. And was that something that she often did when she was acting as team leader?

A. Well, that's the only time when I had a baby in one room, we usually do constant care in 418.

Q. Yes. But what I am asking you is, was this something that she was doing that night, was that something that she did quite frequently, come in and ask you whether you wanted to have some relief?



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Scott, cr.ex. (Percival)

A. No.

Q. So, was this an unusual event then when she came and said would you like to get some relief, go out and stretch your legs, I know it's not coffee break, I know it's not lunch, but do you want to take a break. Was that something unusual that happened that night that you remember?

A. Yes.

Q. Did it ever happen before?

A. I don't recall.

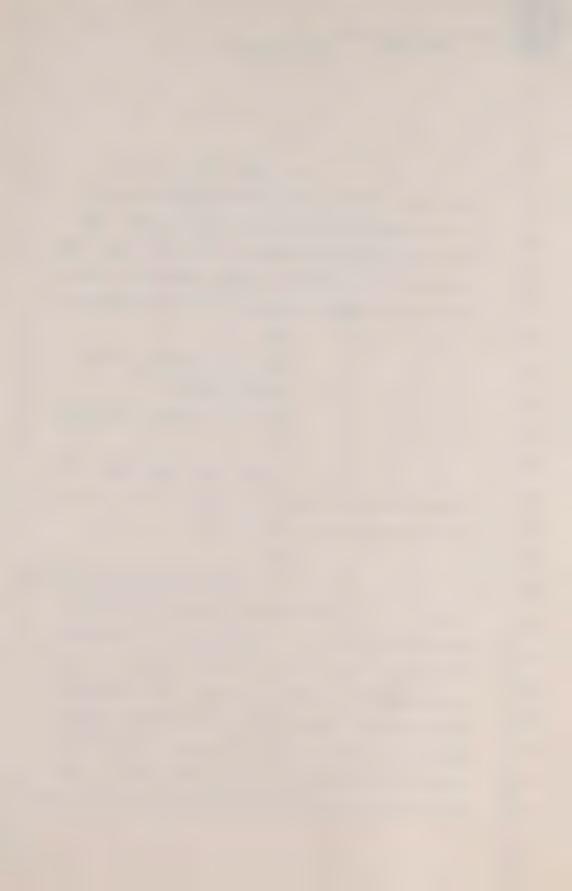
Q. Did it ever happen afterwards?

A. No.

Q. Do you recall any other team leader ever having done the same thing for you in the course of those nine months?

A. No.

that on the night that you looked after Janice
Estrella you were on constant care nursing and
that Phyllis Trayner you believed relieved you for
lunch and then I think you told us the story about
before you had finished your lunch Phyllis Trayner
came to the nursing station, turned on the monitor
or the intercom and that you became uneasy at that
point. Do you recall giving that evidence yesterday?



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Α.	Yes
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Q. Did she do that on more than one occasion to your knowledge that you either personally observed or saw on 4A/B prior to that? Had you ever seen her do that before, to relieve a constant care nurse and then go back to the nursing station and turn on the intercom?

A. No.

Q. Did you ever see her do it

afterwards?

A. No.

Q. Did you ever see anybody else

do that?

A. I don't recall.

Q. Well, did any other team leader

ever do that?

A. On 4A?

Q. 4A or 4B?

A. Not to my knowledge.

MR. PERCIVAL: Thank you.

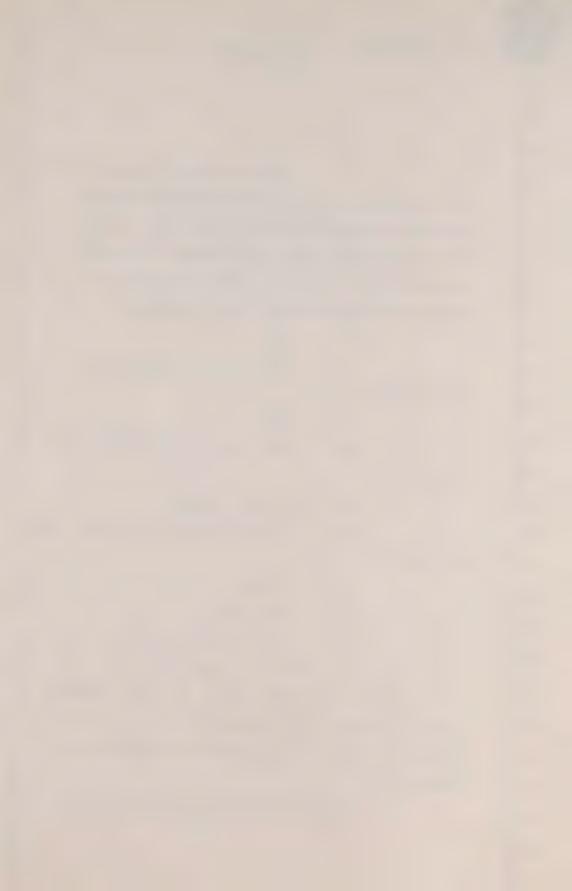
THE COMMISSIONER: Is there anything wrong if you are not on constant care to turn on the monitor. What's the monitor for when you can't turn it on?

THE WITNESS: When you're not on

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MR. PERCIVAL: Oh, I understand.

I am talking about on constant care.

Q. So, do I take it that you felt uneasy because you knew that that was against the rules of the Hospital?

On constant care, no.

A. Yes.

A.

Q. There had to be a nurse or a nurse's aide right beside the baby's bed?

A. Yes.

Q. Isn't that true?

A. Yes.

Q. Did you ever mention that to Phyllis Trayner after that event?

A. No.

Q. And after the death of Baby

Estrella?

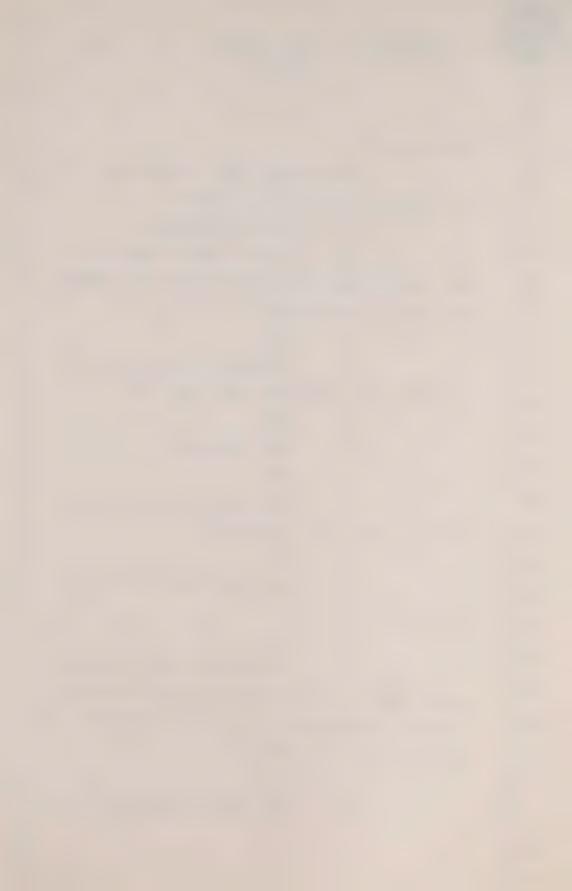
A. No.

Q. Did you ever say to yourself maybe if Phyllis Trayner had been beside the bed of Janice Estrella that wouldn't have happened. Did you ever say that to her?

A. No.

Q. Did you ever think it?

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Α.	No.
Α.	NO.

You told Mr. Rosenberg this morning, your counsel, that you kept no personal notes after your interview with the police. I am not going to be so selective in my terminology. Did you ever keep any personal notes at any time on the events surrounding the deaths of these babies?

> No. Α.

So, you have never kept your 0. own notes whatsoever at any time from back in June of 1980 to the present time?

> Α. No.

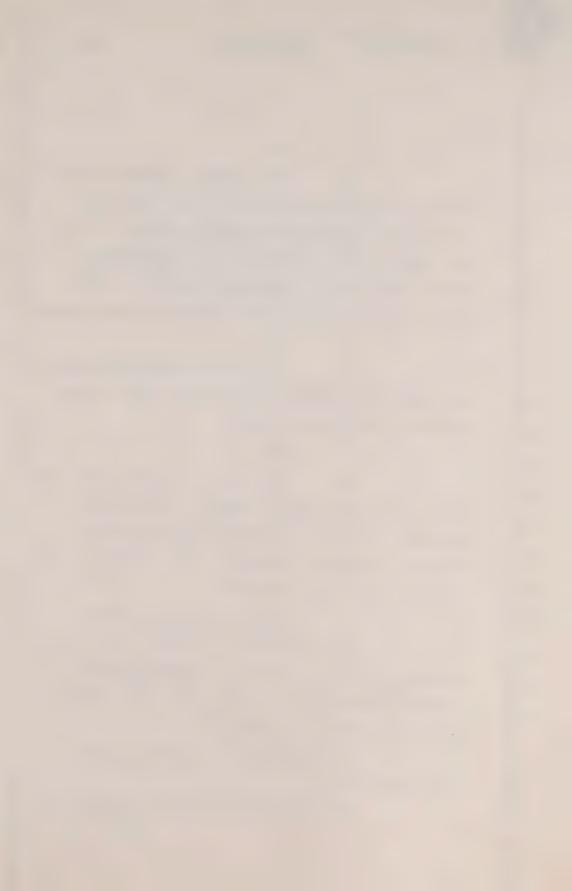
So, there is nothing that you have used in the last two days or even at the preliminary hearing to refresh your recollection save and accept the statements that you gave to the investigating police officers?

And the patients' charts.

MR. ROSENBERG: I think it is a fair question maybe with respect to the preliminary inquiry, and even then I am not sure, but there has been a whole mass of material --

MR. PERCIVAL: I am talking about her personal notes.

MR. ROSENBERG: No, that was not the





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question you asked.

THE COMMISSIONER: I thought it was but I got lost too. You meant personal notes?

MR. PERCIVAL: Personal notes, that's the way I started off.

MR. ROSENBERG: I'm sorry.

MR. PERCIVAL: Q. Did you ever have any personal notes that you have ever referred to at any time even up to this moment in time that you have used to refresh your recollection?

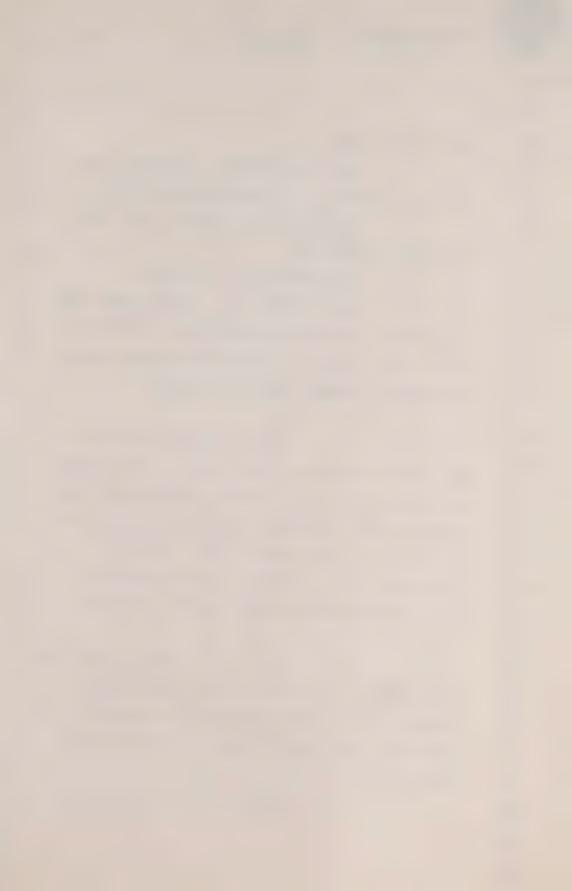
A. No.

Q. Your evidence yesterday,
Mrs. Scott, was that in late July or early August
you began to notice the pattern that had developed
involving the deaths that had occurred up to that
point with the same nursing team, the same
approximate time of death on the long nights.
Do you remember giving that evidence yesterday?

A. Yes.

Q. And it was about the same time that the Hospital and the Doctors also became concerned because they had that first meeting I understand some time in August, is that correct, August 5th?

A. Yes.



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MR. LAMEK: September 5th.

MR. PERCIVAL: I am sorry, was it

September 5th?

MR. LAMEK: Yes.

MR. PERCIVAL: Thank you.

Q. In any event, I believe you indicated that the doctors after having a meeting of some description told you that there was no nursing deficiencies and that the deaths were caused by the physical condition or the anatomical deformities of the babies. Do you remember that?

A. Yes, they told us that to reassure us.

Q. All right. And were you content to accept that at that time?

A. Yes.

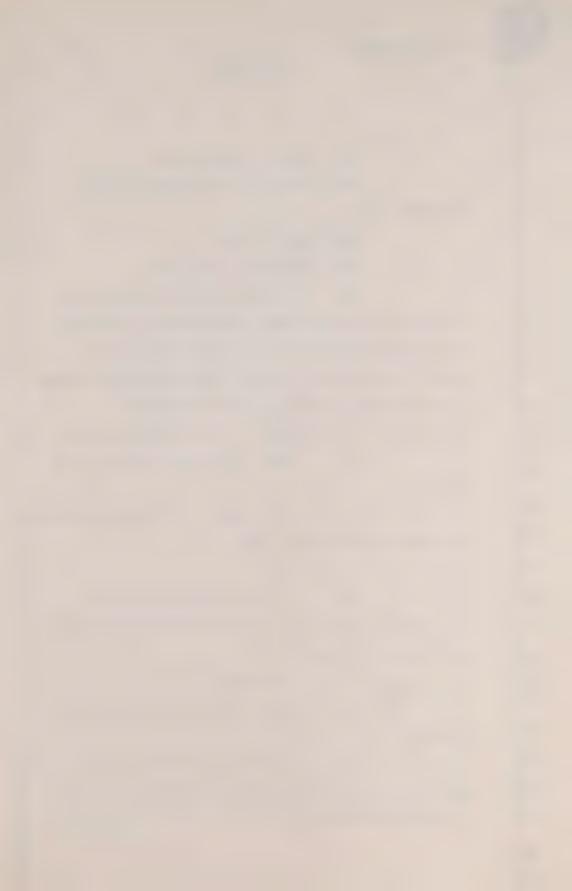
Q. And did the concern that you yourself felt, as you have indicated, did that go away on being told that?

A. Concern?

Q. Well, the concern about the

pattern?

A. I wasn't thinking of the pattern. I was so relieved to think that, you know, it wasn't our fault.





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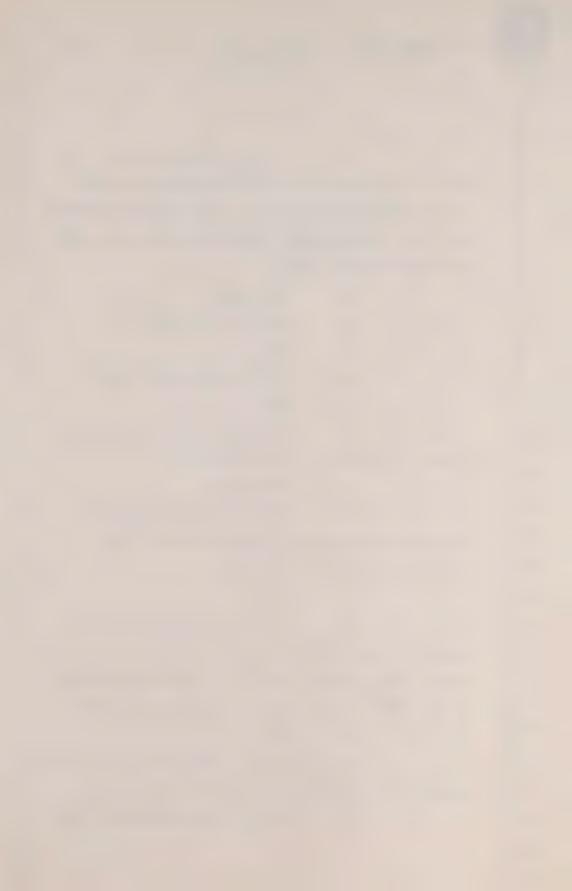
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Q. I know, but Mrs. Scott, the point was that back on 6798 and through to 6800 of your evidence yesterday Mr. Lamek was questioning you about, did you notice anything about the deaths occurring on your shift?

- A. Yes, yes.
- Q. That's a pattern?
- A. Yes.
- Q. Do you understand that?
- A. Yes.
- Q. All right. Now, did your concern about that pattern go away?
  - A. Not quite.
- Q. All right. And were you content at that point to attribute it to just coincidence and bad luck then?
  - A. Yes.
- Q. I want you to look if you would be good enough to Exhibit 383 with me and that is that document that Mr. Lamek had prepared.

  Do you have that in front of you, the long list?
  - A. No.
- MR. PERCIVAL: Perhaps you could give that to the witness, Mr. Elliot, thank you.
  - Q. Now, I would like you to look



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Baby Fazio on February 4th, 1981. Now, according to this list it seems that 19 babies had died on this chart between the time period June 30th, 1980 to February 4th, 1981. As I go down under your name, and you will confirm this would you, please, you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	at Exhibit 383. There are 29 babies on there and
to this list it seems that 19 babies had died on this chart between the time period June 30th, 1980 to February 4th, 1981. As I go down under your name, and you will confirm this would you, please, you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	I want you to go down 19 names down to the death of
this chart between the time period June 30th, 1980 to February 4th, 1981. As I go down under your name, and you will confirm this would you, please, you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	Baby Fazio on February 4th, 1981. Now, according
to February 4th, 1981. As I go down under your name, and you will confirm this would you, please, you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	to this list it seems that 19 babies had died on
name, and you will confirm this would you, please, you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	this chart between the time period June 30th, 1980
you had been present on the ward for 11 of those 19 deaths and only two of them, Estrella and Gage,	to February 4th, 1981. As I go down under your
19 deaths and only two of them, Estrella and Gage,	name, and you will confirm this would you, please,
	you had been present on the ward for 11 of those
were the babies assigned to you.	19 deaths and only two of them, Estrella and Gage,
	were the babies assigned to you.

- A. Yes.
- Is that correct? Q.
- Yes. A.
- Q. And again, taking that breakoff point of Fazio on February 4th, were you aware by that time and by that point on February 4th, 1981 that of those same 19 babies Susan Nelles had been there for 10 of the deaths?
  - I wasn't aware of that.
  - Are you aware of it from the Q.

chart now?

- Yes. Α.
- Yes. And of those 10 babies Q. that she was present for, 9 of them had been assigned to her and on the other occasion she had been the



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team	leader	when	Brian	Gage	died	and	she	had	no
babie	es assi	gned t	to her?	?					

A. Yes.

Q. Didn't that seem rather astounding to you when you saw it in writing as I have yesterday?

A. No.

Q. That's not an astounding statistic to you?

A. No. As I said, I didn't have much previous experience in cardiology, so, I --

Q. Mrs. Scott, I'm not talking about then, I am talking about now.

MR. BROWN: Let the witness give an answer to the question.

MR. ROSENBERG: Well, I've got a better objection. If we are just talking about now then surely we can all draw the astounding coincidences, or whatever.

THE COMMISSIONER: Well, I am not too sure what's astounding. What is the question, Mr. Percival?

MR. PERCIVAL: Well, the point of the matter is, I want to know whether she was aware of it back on February 4th.



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THE COMMISSIONER: Aware of what

MR. PERCIVAL: Aware of the fact that Susan Nelles had been there for 10 of the 19 deaths in that same time period and of the 10 she had been assigned to 9 of the babies and on the other occasion she had been the team leader and had been assigned to no babies.

THE COMMISSIONER: I see, yes, all right.

MR. PERCIVAL: Q. And that is my first question, Mrs. Scott. Did you know that at that time?

- A. No, I wasn't aware of that.
- Q. Well, you now know it and when was it the first time that you knew it?
  - A. When I looked at the list.
- Q. Yes, but when was that, when was the first time that you looked at the list?
- A. When I went over it with my counsel.
  - Q. When was that?
  - A. Three weeks ago.
  - Q. All right.
  - MR. ROSENBERG: It was just last





Scott, cr.ex. (Percival)

Thursday.

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THE COMMISSIONER: Oh, last Thursday.

MR. PERCIVAL: No, I understand, I

understand.

MR. ROSENBERG: It may seem like

three weeks.

MR. PERCIVAL: Q. Well, Mrs. Scott, what I am getting at, did that ever --

THE COMMISSIONER: You can inquire

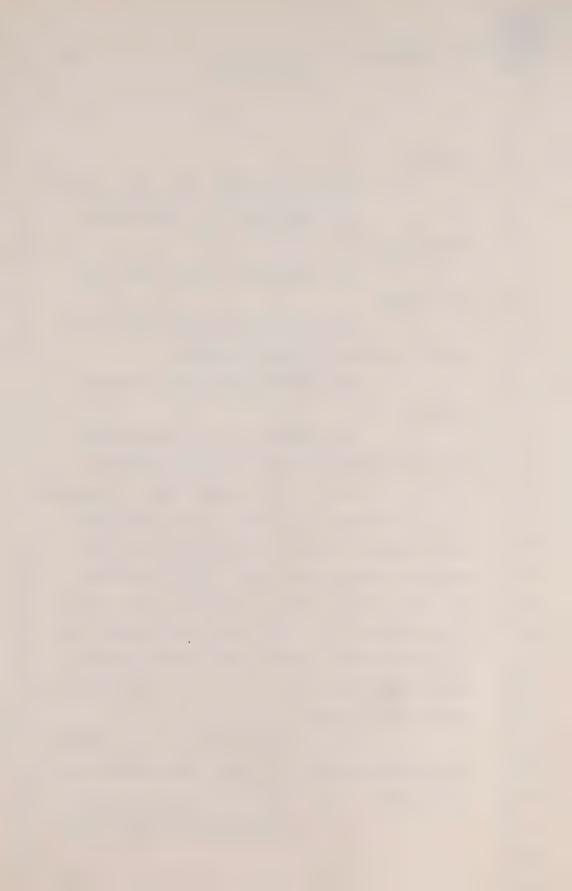
into that.

MR. PERCIVAL: No, I am not going to, I am prepared to adopt counsel's comment.

Q. Mrs. Scott, what I am getting at is, by February, you know, we are up to these many deaths, 19 deaths, we are way beyond July and August and you know that you had been there for, as you have indicated, for 10 of them - for 11 of them and two of them you looked after. Were you aware of the fact that with these increasing baby deaths Susan Nelles seems to be with them all more at that point?

A. I was aware that the deaths happened when we were on nights but nothing to do with Susan.

Q. Not to do with Susan?



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A. No.

All right. Well, by February Q. 4th of 1981 weren't you getting a little bit more concerned than you had been back in July and August about the increasing baby deaths, the same team, the same time of night?

> Α. Yes.

And in your mind had it Q. progressed by February 4th, 1981 beyond mere coincidence and bad luck, or was it just worse luck?

A. Well, I couldn't really think anything else because we couldn't find any solutions to our questions. We couldn't find any explanation as to why they were dying on our teams.

Q. What were you doing to find the explanations, Mrs. Scott?

We didn't know where to get Α. the explanations.

> No, what were you doing? Q.

> We just asked questions. A.

Sorry? Q.

We asked questions. Α.

Asked who? Q.

The head nurse. A.

Who was the head nurse? Q.



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A. Mrs. Radojewski.

Q. All right. Aside from asking Mrs. Radojewski, what else did you do?

A. We asked the residents, some of the residents if they knew.

> Q. And there was no answer?

A. No.

Then from February 4th on Q. there were 10 more deaths starting with Thomas on February 12th and then a rash of 9 deaths in 14 days from Warner through to Miller, is that right, according to Exhibit 383?

> Α. Yes.

And on those last 9 deaths Q. you were there for 6 of them?

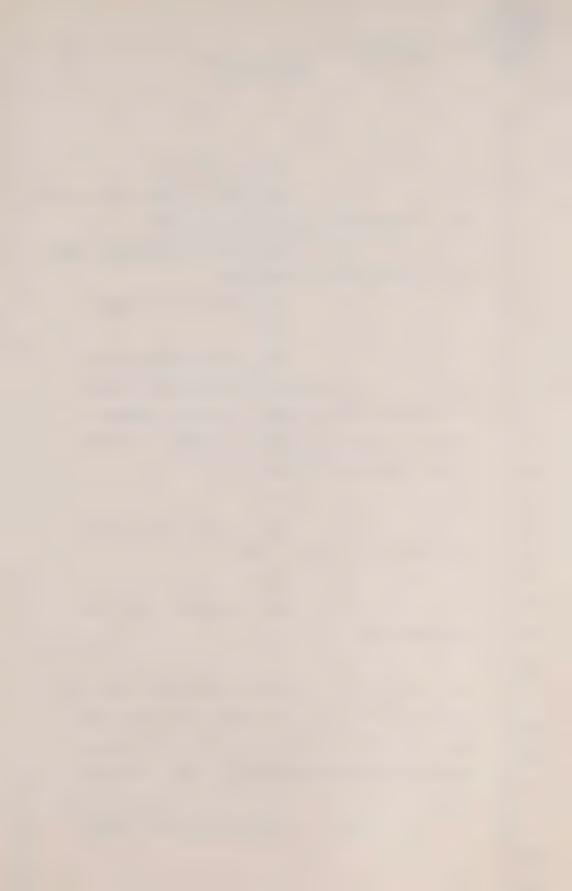
> A. Yes.

Q. But you weren't there for the last two?

No.

By the time Sunday March 22nd came along you came on to work on long days that day. Was that the first time that you found out that Allana Miller had died and Justin Cook had died?

> A. I might have known about







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Allana Miller dying on Saturday but I can't be sure.

Q. Well, at that particular point there had been, as I have indicated, 9 deaths in 14 days. Did that seem like a significant increase in baby deaths to you?

A. Yes.

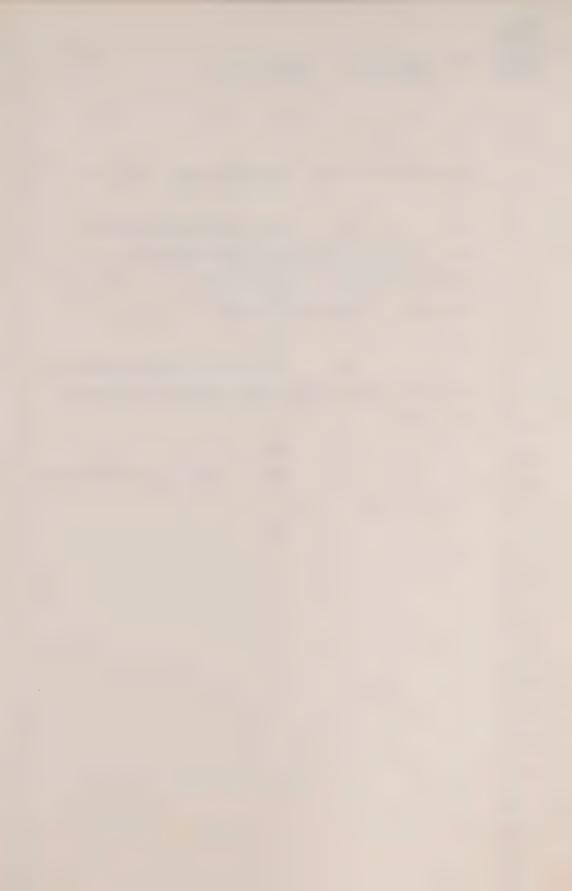
Q. And were you a little bit more concerned than what you had been back in February 4th, 1981?

A. Yes.

Q. And was there any more answers at that point?

A. No.

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Your evidence yesterday, that you noticed that there were four unexpected deaths, at least so far as you personally were concerned in Baby Gage on September 25th; Baby Estrella on January the 11th; Baby Fazio February the 4th; and Baby Gardner on March the 18th. I think Mr. Lamek has asked you, did you notice a particular pattern and you said, yes, it was after I was relieved for lunch and then the child went downhill afterwards.

A. Yes.

Q. Isn't that what you indicated?

A. Yes.

Q. When did you start noticing that pattern for the first time, it wouldn't be after the first one anyway because that is only one.

A. I was really aware of it after Estrella died.

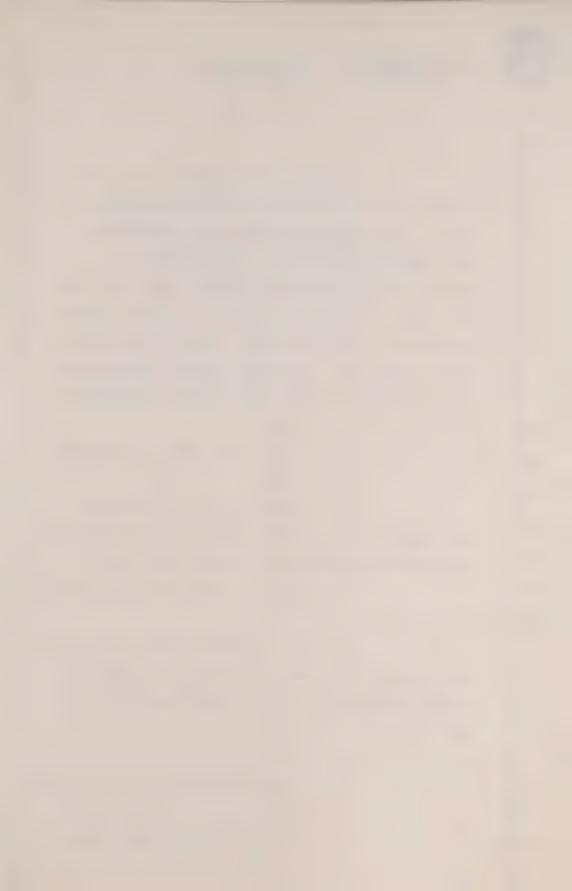
Q So by January the 11th of 1981 you knew that there was a remarkable similarity between the death of Baby Gage and the death of Baby Estrella?

A. Yes.

Q. And did you say that to anybody?

A. No.

Q Did you ask the other nurses,





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sort of saying, why do these babies die just after I got relieved for lunch?

> A. No.

Did any other nurse say to you, on your team, I am having the same problem?

> A. No.

Q. Then you have Baby Fazio die on February 4th, 1981, with the same sort of pattern. Did you review your thoughts about that?

> A. No.

Baby Gardner March 18th, the same thing happened again. Aside from thinking about it, did you do anything about it?

> A. No.

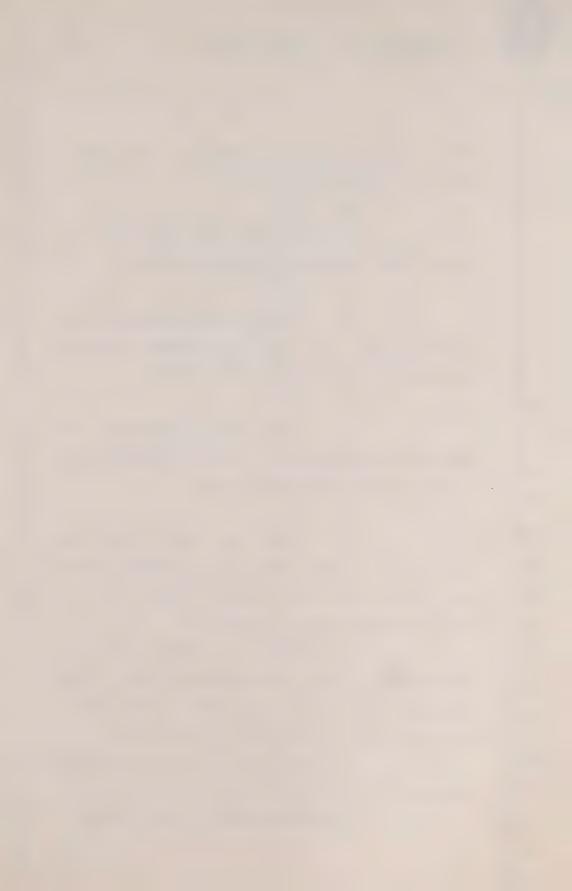
Would it be fair to say to you that by the time Baby Fazio died on February the 4th that you were starting to dread the time after you came back from lunch on long nights?

MR. LAMEK: With respect, Mr.

Commissioner, I don't understand Mrs. Scott to have been in charge of Baby Fazio, I don't really quite understand what the significance of that is?

MR. PERCIVAL: I think she mentioned the fact that there was four --

THE COMMISSIONER: Fazio I think



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she	mentioned,	she	may	have	said	that	was	an	example
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MR. LAMEK: Someone else's experience.

MR. PERCIVAL: That's right, I am

sorry. I am sorry, Mr. Lamek, you are quite right.

Q. Would it be fair to say that by the end of January that you had noticed the pattern and that you began to dread going to lunch and then coming back and finding out how your babies were doing?

A. Yes.

Q. And when did you first mention this pattern to anybody?

A. I was under the impression that everybody knew about the pattern, all the nurses, anyway.

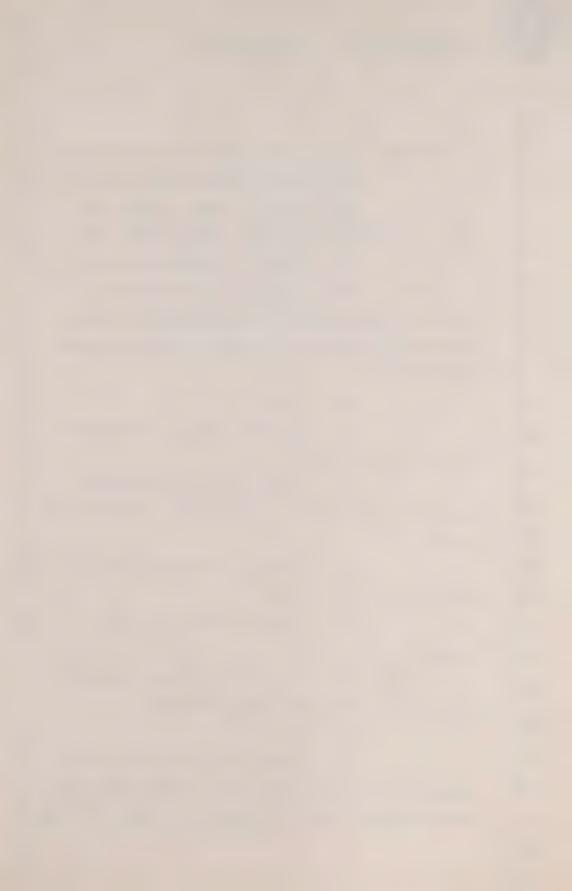
Q. When did you first recall mentioning that to anyone?

A. I don't recall mentioning it to anyone.

Q So is it the first time when you said it to Mr. Lamek here yesterday?

A. Yes.

Q Thank you. Now, let's go back to when you came on shift on Sunday, March 22nd, Mrs. Scott, that was just after Justin Cook died. Did you





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go to a little meeting in the dirty utility room with the shift coming off and you and Marie Mandal coming on shift on 4A/4B that morning?

A. I was not in the utility room.

Q. So you don't know what

happened in there?

A. No.

Q. You never overheard anything that happened in there?

A. No.

Q Did you see anybody coming out

A. No, I was in 418.

Q. I am sorry?

A. I was in the baby's room.

Q. Thank you. During that shift on the long day shift on Sunday, March 22nd, you were aware that digoxin had been locked up the night before?

A. Yes.

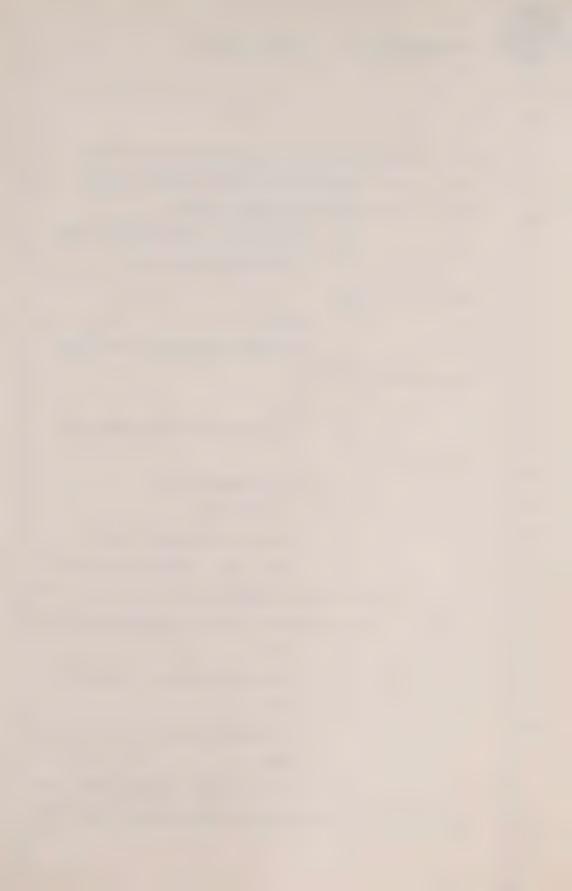
Q. And continued to be locked up?

A. Yes.

Q Supervisors were on the floor?

A. Yes.

Q You were aware of the fact that supervisors had the keys for the narcotics cupboards?





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	2	Α.	Yes.	
	3	Q.	You were aware that the	
	4	supervisors were giv	ing and checking the medication	
	5	of each and every ba	by?	
	6	A.	Yes.	
	7	Q.	And you indicated that you	
	1	started asking quest	ions and no one seemed to have	
	8	the answers?		
	9	A.	That's right.	
	) ()    	Q	There were two possible answers	
given to you; one that there may have been a				
	1.2	facturing error in t	he digoxin, is that right?	
	13	А.	Yes.	
	14	Q.	And the other that there may	
	1	have been a double de	osage given by a nurse?	
	150	A.	Something like that.	
(2)	16	Q.	Double dosage of what?	
	17	Α.	The drug that has been locked up.	
	18	Q.	Pardon?	
	19	Α.	The drug that has been locked up.	
	20	Q.	That was digoxin?	
	21	Α.	Yes.	
	22	Ω.	You were also aware I suggest	
			aware of certain other things. You	
	23	were aware that on the	nat shift there were no new	





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the babies off the ward that shift, isn't that right?

A. Yes.

Q. You were also aware that blood

admissions to 4A/4B, and in fact they were transferring

Q. You were also aware that blood tests were being taken on each and every surviving baby on that ward that day, even if they had been prescribed digoxin, or not prescribed digoxin, is that right?

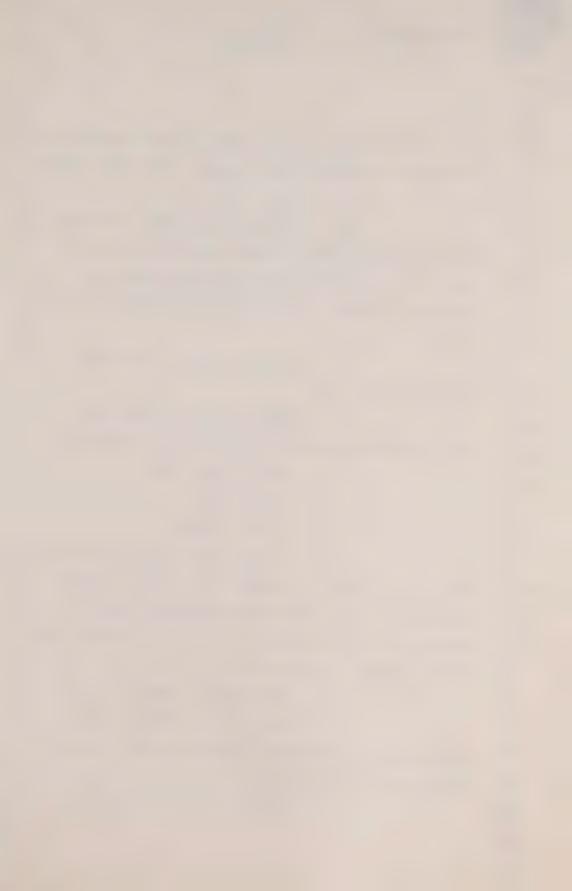
A. I wasn't aware of the blood taken from every baby.

Q. Were you aware of the fact that digoxin levels were being taken on every baby?

- A. Not on every baby.
- Q. Most babies?
- A. I don't recall.

Q. In any event by the end of the shift at 7 o'clock on Sunday, March 22nd, I suggest that you knew that certainly the Hospital and the nursing staff, the supervisory staff, had taken rather drastic steps, is that correct?

- A. What drastic steps?
- Q. Supervisors; digoxin being locked up; keys being taken away from team leaders; those are not drastic steps?
  - A. Yes.



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Q. You knew that there had been at least for you four unexpected deaths, and perhaps many more for other members of the team, didn't you know that?

A. Yes.

Q. And you knew that the dig. levels were being taken on some of the babies that were left on the ward, didn't you know that at that point?

A. Yes.

Q. And I suggest to you that there was not much doubt that evening, on Sunday, March 22nd, at least in your mind, that someone thought within the Hospital that the increasing baby deaths were being caused by the administration of digoxin to these babies, is that not correct?

A. We were not quite sure.

Q I am not talking about we, I am talking about you, ma'am?

A. I was not quite sure.

Q Well, wasn't it a pretty good reasonable conclusion whether or not you were sure or not?

A. You could say that.

Q. And you were no longer thinking



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I suggest Mrs. Scott, it was no mere coincidence, no mere bad luck, but a pretty good likelihood that is what a lot of people were thinking?

A. Yes.

Q. I want to deal with one thing lastly. At 6759 yesterday, and as a result of questions put to you by Mr. Lamek, when you were asked who you preferred to work for you said: "I prefer to work for or with Susan Nelles".

A. Yes.

Q And I gather that was you preferred her over Phyllis Trayner, is that right?

A. Yes.

Q. Can you tell me why?

A. Well, Susan Nelles, she is a very nice person to work with; she is always very friendly; and she is always eager to share her knowledge and expertise if you ask her.

Q. What was the difference between Susan Nelles and Phyllis Trayner?

A. Well, Phyllis Trayner sometimes she would say "I don't know, you can look it up in the book" or something like that. She is --

Q I am sorry, go ahead.

A. She is not helpful at all some-





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- Q. Was she short with you?
- Sometimes. A.
- Q. Was she critical of you?
- A. Yes, behind my back.
- Q. At page 6760 yesterday you

indicated that Susan Nelles and Phyllis Trayner disagreed most of the time and that this continued throughout the nine-month period; do you recall giving that evidence?

- A. Yes.
- The disagreements, do I take it those disagreements and the relationship between the two came the point of sarcasm and being bad tempered between the two?
  - I won't go as far as that.
  - How far would you go?
  - Well, they were not really
- angry with each other, they just disagreed.
  - Did you not get the impression
- that they were both vying for attention, both wanting to be leaders?
  - A. No.
  - MR. TOBIAS: I am sorry, I didn't
- hear that answer?
  - MR. PERCIVAL: No.



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THE WITNESS: No.

MR. TOBIAS: Thank you.

MR. PERCIVAL: Q Did you get the impression that one was jealous of the other?

A. No.

THE COMMISSIONER: I am sorry, was

that no?

THE WITNESS: No.

MR. PERCIVAL: Q. Did you ever get the impression that Phyllis Trayner as team leader was giving Susan Nelles more difficult nursing assignments than any other nurse on the team?

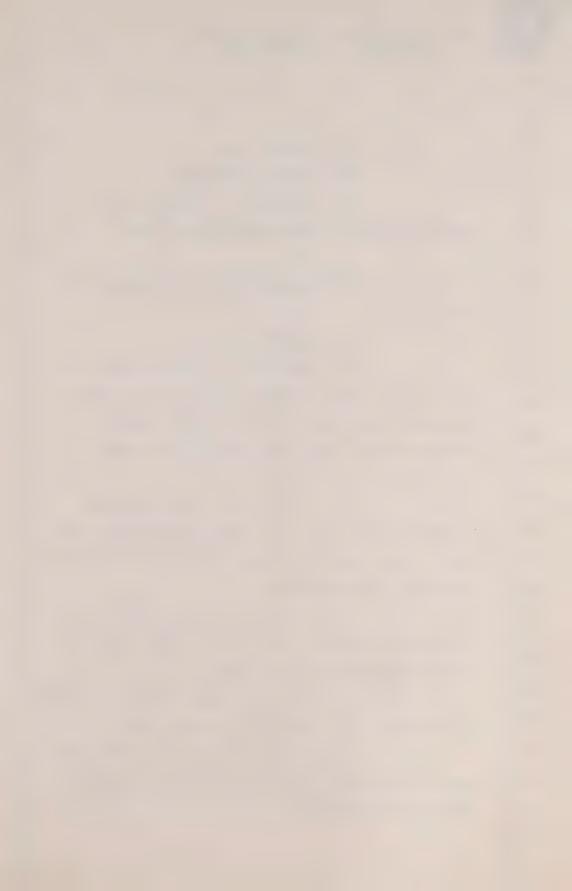
A. No.

Q. Well then, aside from this unpleasantness I guess, if I can call it that, what was it, what were they disagreeing about; how did they show their disagreements?

A. Well, at one point during one of the arrests Susan does not agree with Phyllis Trayner's assessment of the case.

Q. Doesn't agree with the assessment of the case, as to what to do next you mean?

A. She disagreed that Phyllis did not wait long enough to assess the kid's condition before calling the 25.





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Do I take it from that at least that it was your perception that Susan Nelles was critical of Phyllis Trayner because she was quickly calling Code 25's all the time, or on this occasion?

- Not all the time. A.
- 0. On this occasion?
- On this occasion. A.
- Any other any other for

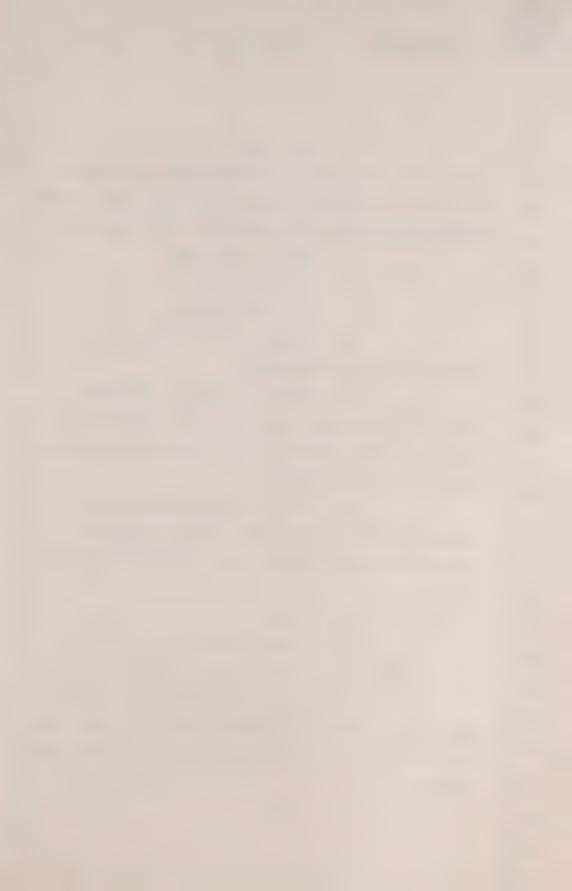
instances of the disagreements?

TORONTO, ONTARIO

Well, I heard her criticize A. Phyllis one day when we were very busy and she said Phyllis is doing nothing and she should have helped us because we were very busy.

Now you have given me two examples of things that Phyllis Trayner was being criticized by Susan Nelles, did it go the other way as well?

- A. Yes.
- Q. Tell me how?
- A. Well, I don't recall.
- You have given me two examples and I am just trying to determine whether or not - are there many others that you cannot recall, is that the problem?
  - A. Yes.



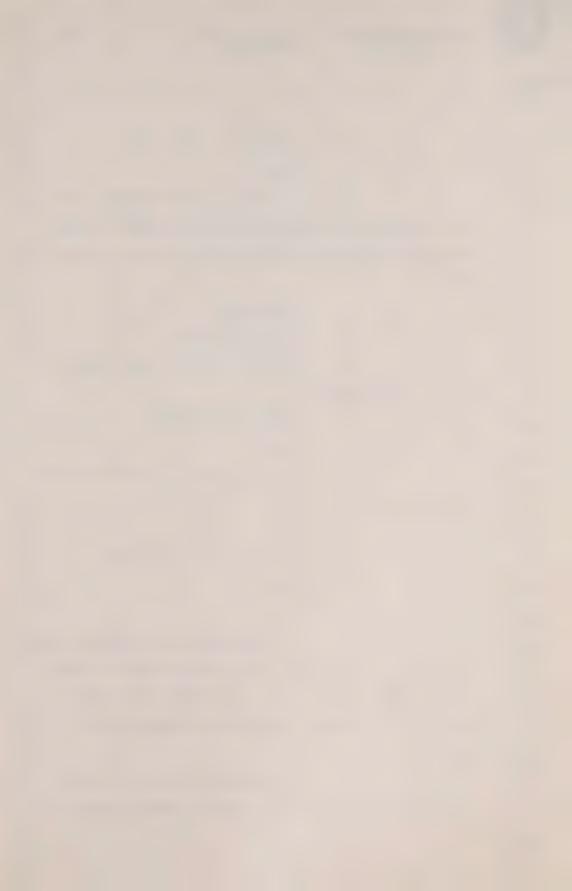


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2	Q. Because it is so long ago.
3	A. Yes.
4	Q Do I take it that because of
5 l.	this unpleasantness between the two of them it wasn't
)	particularly easy for the two of you to act on this team?
61. 1	A. Not really.
\$. H	Q. Not really what?
9	A. Because I didn't participate in
10	their disagreements.
11	Q. You just listened?
12.	A. Yes.
104	Q. Did you ever ask to be switched
1,	from this team?
14:	A. No.
15	Q Did you ever want to be?
16	A. Yes.
17	Q. When?
18	A. Oh, from the very beginning, you
19	know, some of the nurses on the other teams were not
20	very friendly, and I wasn't very happy there, but I
	would stay on because I wanted some experience in
21	cardiology.
22	Q So notwithstanding you found
23	it unpleasant yourself you wanted to stay on and you





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were not going to complain, is that right?

A. Yes.

MR. PERCIVAL: Thank you, Mrs. Scott.

THE COMMISSIONER: I think we will

take 20 minutes now.

Short recess.





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---On resuming after the recess.

THE COMMISSIONER: We might take a roll call I think at the moment.

Miss Jackman, how long do you expect

to be?

MS. JACKMAN: Five, 10 minutes at the

most.

THE COMMISSIONER: Mr. Olah?

MR. OLAH: About ten minutes, sir.

THE COMMISSIONER: Mr. Shinehoft?

MR. SHINEHOFT: About five minutes.

THE COMMISSIONER: Mr. Tobias?

MR. TOBIAS: 20 minutes.

THE COMMISSIONER: Well, we won't --

MR. TOBIAS: I believe that Mr. Shanahan

will probably have some questions.

THE COMMISSIONER: Yes. Well, I don't think we will make it this afternoon but I think you are going to make it early tomorrow because I don't know how much you have.

MR. LAMEK: I have very little.

MR. ROSENBERG: Very little.

THE COMMISSIONER: Well, I don't think

there is any need to drive ourselves wild to complete

it today but I think we had better arrange ...





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Miss Jackman, is your client available?
MS. JACKMAN: Yes, she is.

THE COMMISSIONER: And is she working now? Is there a problem about her standing by for tomorrow morning?

MS. JACKMAN: No, she had expected to be called this week so she has the week off.

THE COMMISSIONER: Well, that is good.

Then if you will ask her to be available tomorrow

morning and we will just proceed.

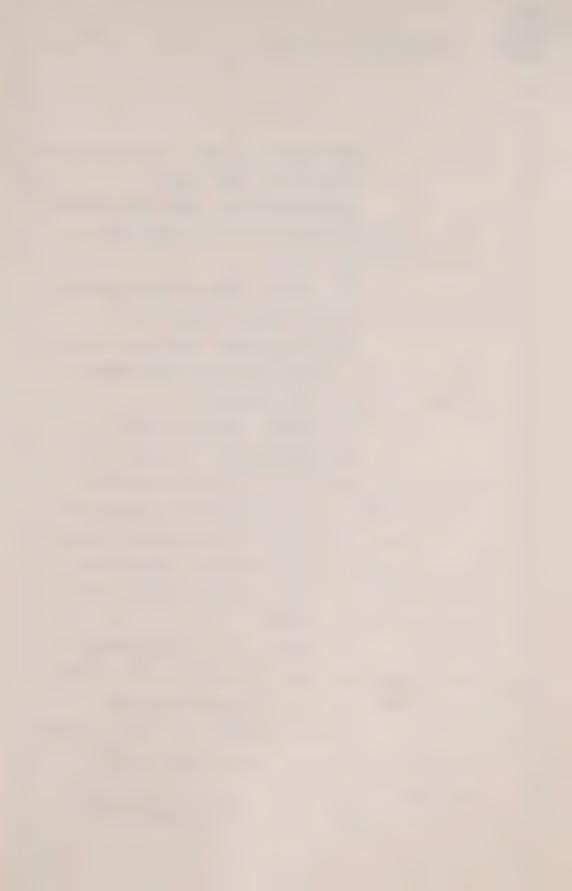
MS. JACKMAN: Right at 10:00?

THE COMMISSIONER: Well, no, I don't think we will be ready by then, but be available tomorrow morning. We will see what the situation is at 4:30 and if we haven't made much progress perhaps we can leave it till the break but I would rather have her here at 10 so that as soon as Mrs. Scott is finished we can proceed.

MR. BROWN: If we are proceeding at least can we leave open the possibility then of not sitting when the Court of Appeal is sitting?

THE COMMISSIONER: Yes, there is that possibility, but then we may slip in some other witnesses or something.

MR. TOBIAS: Have we explored the





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possibility, Mr. Commissioner, of sitting Friday in order to avoid that problem of sitting Monday and Tuesday?

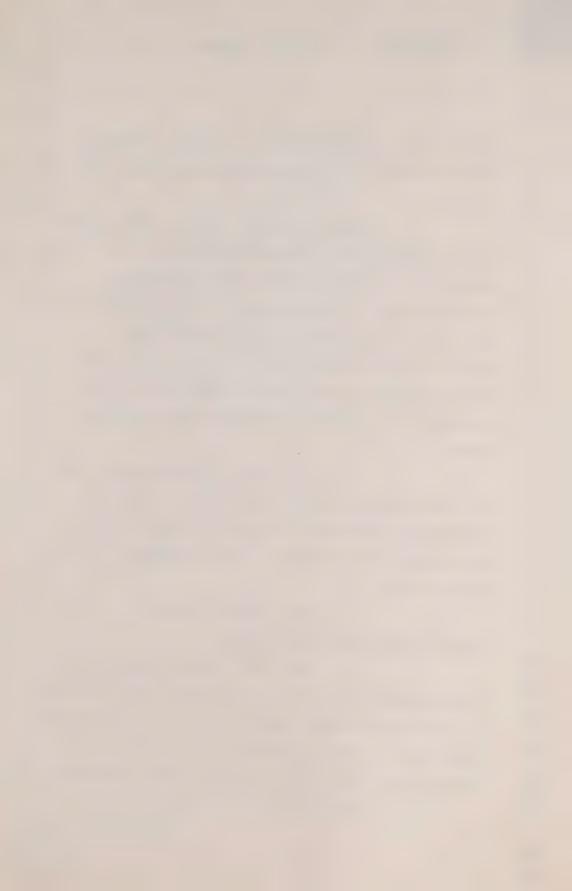
THE COMMISSIONER: Well, I don't think we are going to have a problem because if, for instance, we get two days into Mrs. Christie or the better part of two days and she is not going to last (at least my spies tell me at any rate) that it is unlikely that she will go the full week in any event so it may not be a problem and we may just not sit on Monday and Tuesday and be perfectly happy.

The only reason I was making the threat was that I want to be sure that we were ready to proceed with MissNelles on the 2nd of April, that's all, because that is when all the accommodation has been arranged.

All right, now, Miss Jackman? CROSS-EXAMINATION BY MS. JACKMAN:

Q. Now, Mrs. Scott, I believe this morning you clarified when your counsel asked you about your statements made at the preliminary, at the Nelles preliminary, about the evidence that you had given with respect to your breaks when Baby Estrella died.

> A. Yes.





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Q. Now, from my reading of the preliminary you had said that Phyllis Traynerhad relieved you on the Saturday night and you hadn't mentioned that she had come out to the nursing station during that break.

A. Yes.

Q. I understand that this morning you explained that the reason you said she didn't come out was that you got the night mixed up and really you were referring to --

A. Friday night.

Q. Friday night. If I was to put to you that Phyllis Trayner had testified, and this is in Volume 5 at page 1127, that she didn't think you had taken lunch break that night and that Ms.

Parcels had also testified --

THE COMMISSIONER: Are we talking about Saturday now?

MS. JACKMAN: The Saturday night.

THE COMMISSIONER: Yes.

MS. JACKMAN: Q. That Ms. Parcels had also testified in Volume 20 at page 22 that she thought you had come out only about ten minutes around 2:00 in the morning on the Saturday night.

And if I were to suggest to you that Mrs. Christie



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doesn't recall you taking a full lunch break that night, that she thought you had only been out for 10 or 15 minutes, given what they have said about that evening is it possible that you still have the nights mixed up or that your recollection isn't that good about what happened on the Saturday night?

- A. No, I had my lunch.
- Q. And what makes you remember that you had your lunch that night and that Phyllis
  Trayner came out?
  - A. What do you mean what recollection?
- Q. Well, at the preliminary you got your nights mixed up.
  - A. Yes.
- Q. What is it that made you recall now that you had got your nights mixed up? What is it that makes you remember for sure you took your lunch break on Saturday night?
- A. When I read Phyllis Trayner's statement saying I read a book and saw the movie.
  - Q. What movie?
  - A. On Saturday night.
  - Q. Oh, seeing the movie?
  - A. Yes.
  - Q. That Phyllis Trayner said she



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had seen.

A. Yes.

Q. Okay. Would you have any reason to quarrel with what Mary Ann Parcels and what Mrs. Christie is going to say in terms of their recollection?

MR. ROSENBERG: Well, excuse me, that is a pretty difficult question to ask since her evidence is she took her lunch break for about half an hour and they said it was 10 or 15 minutes. Obviously she has reason to quarrel with them.

MS. JACKMAN: Well, she may have another explanation as to why they only saw her out there for 10 minutes.

THE COMMISSIONER: Well, before we get into this, get involved in argument in this, what is your question? What do you say Mrs. Christie is going to say?

MS. JACKMAN: Mrs. Christie is going to say the same as Mary Ann Parcels.

THE COMMISSIONER: And that is what?

MS. JACKMAN: That Sui Scott was only out of the Estrella room for 10 or 15 minutes at the lunch break.

THE COMMISSIONER: And the lunch break



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is still the lunch break on the Saturday?

MS. JACKMAN: Saturday night.

THE COMMISSIONER: All right. Can we

just put that to her?

MS. JACKMAN: Some time between 1:30 and 2:00 in the morning.

THE COMMISSIONER: Do you agree with that

THE WITNESS: I didn't have a full break and I had gone to the toilet, to the bathroom, and I knew I had my lunch that day.

MS. JACKMAN: Q. That is because of the movie?

A. Yes. Because Phyllis keep asking me whether I would like to come out and I said no, I didn't want to come out. Maybe that is why they got confused. I didn't come out at all.

MS. JACKMAN: Those are all the questions I have.

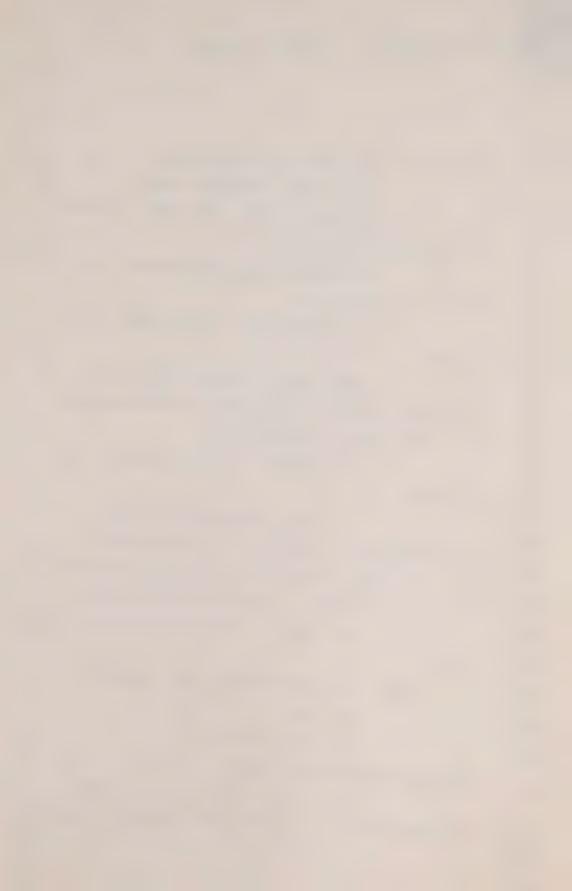
THE COMMISSIONER: Yes. Allright.

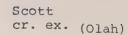
Mr. Olah?

MR. OLAH: Thank you.

## CROSS-EXAMINATION BY MR. OLAH:

Q. Mrs. Scott, I act for Janet
Brownless, and I would like to ask youabout a couple of







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matters I am troubled by.

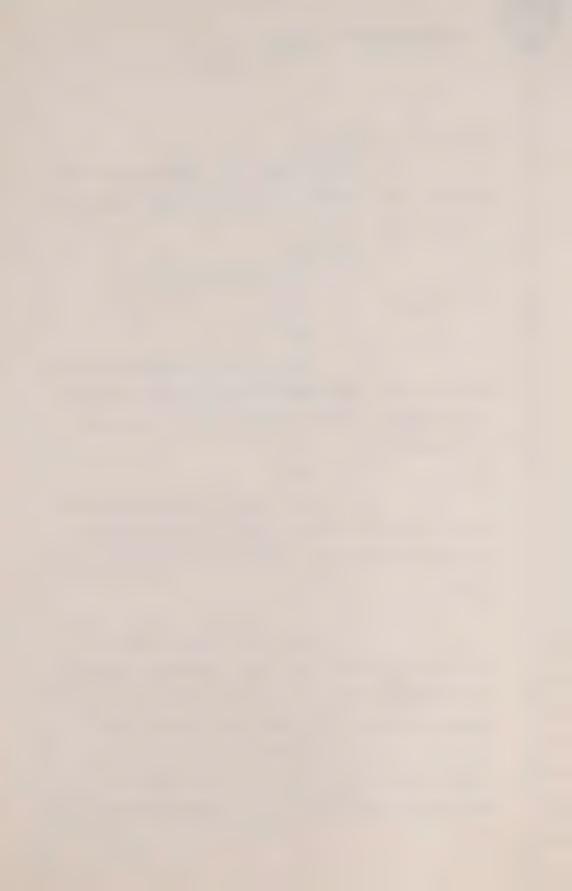
First of all, do I understand correctly that you were transferred off Ward 4A some time in the fall of 1981?

- A. Yes.
- Q. So was Phyllis Trayner I

understand?

- A. Yes.
- Q. You told us about several arrests where you were recording the drugs during the course of the arrest. Do you remember telling us about that yesterday?
  - A. Yes.
- Q. What I want to ask you about was this: during your time on Ward 4A and when you were relieved on 4B did you ever see digoxin on the crash carts?
  - A. No.
- Q. Now I would like to take you back to the evening of the long night shift on which Janice Estrella died. It would have been the 11th of January, evening of 10th and 11th, January, 1980.

Do you remember testifying that my client Janet Brownless may or may not have been in the room when you went for your coffee break at 10:30?



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You weren't clear about that.

A. No.

And we have heard that you have got some problem or some confusion between the Friday night and the Saturday night because of the fact that you were on constant nursing care for Janice Estrella on both of those nights?

> Α. Yes.

Q. Is it possible that in fact you saw my client in the room at the time that you took your coffee break on Friday night rather than Saturday night?

> Yes. Α.

In any event when you did see her and when you left the room Phyllis Trayner was there relieving you and carrying out the constant nursing duties?

> A. Yes.

Now you also mentioned that Q. at page 6862 that Janet Brownless came to the door and talked to you to say hi. Do you remember saying that?

> A. Yes.

This is on the Saturday night? 0.

Α. Yes.





- Q. This was on the Saturday night?
- A. Yes.
- Q. I take it by you saying that she came to the door, you meant that she stuck her head in?
  - A. She just stood by the door.
  - Q. Stood by the door?
  - A. Yes.
  - Q. She didn't come into the room?
  - A. No.
- Q. And those are the only two
  Docasions that you can recall in which Janet Brownless
  may have been in the room or to the room? That
  is Janice Estrella's room on the Saturday evening,
  January 10th or the early hours of January 11th?
  - A. That is right.
- Q. No other time that you recall was she ever near the room?
  - A. I didn't recall any other times.
- Q. Now, I would like to take you to the child Gardner and that involves the long night shift of March 17th and the early hours of March 18th, and you will recall that you told us that you were caring for Gardner and that you had shared nursing duty that night?

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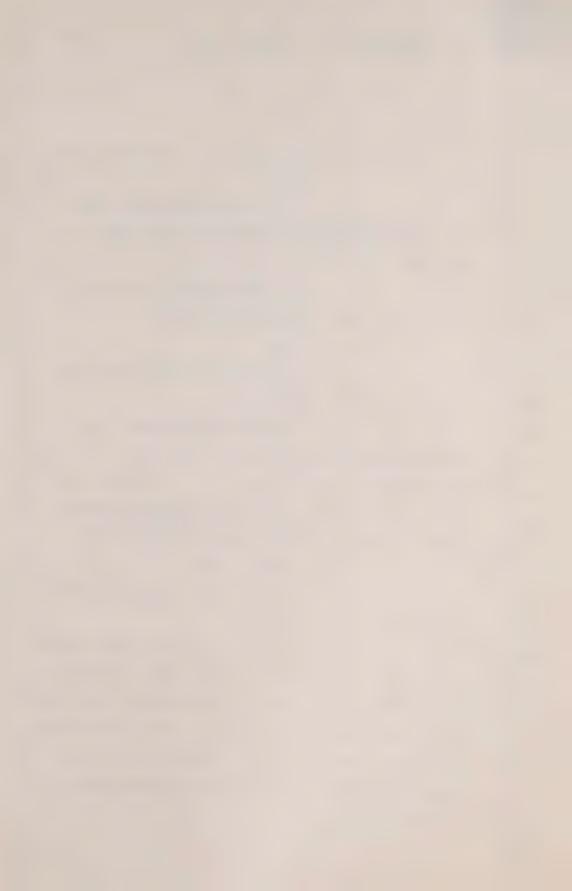
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- Q. And I understand that the other child that you cared for was a child by the name of Boissenault.
  - Α. Yes.
  - Q. And Boissenault was also in 418?
  - Yes. Α.
- Can you recall where Gardner was Q. located in 418 that evening? Where in the room?
- As far as I can recall he was by Α. the window; not the window outside but the window looking over the nursing station, the back of the nursing station.
- All right. And would that be -Q. do you recall which bed it was whether it was a center bed or whether it was one of the other two beds?
- As far as I can remember near Α. the center. In the center.
- And the other child -Boissenault + is that a boy or a girl do you recall?
  - Α. I don't.
  - Do you know where Boissenault

was in relation to Gardner?

A. I don't know. Probably beside him.



eye on them?

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Is it normal when you have shared nursing duties assigned to you to have the children side by side so that you can keep a close

> A. Yes.

And is it your best recollection that on that night those two children were side by side?

> Α. Yes.

So I take it that you were able Q. to see what was going on with both of those children?

> At the same time? A.

0. At the same time, yes.

A. Yes.

You would keep an eye on them? 0.

Α. Yes.

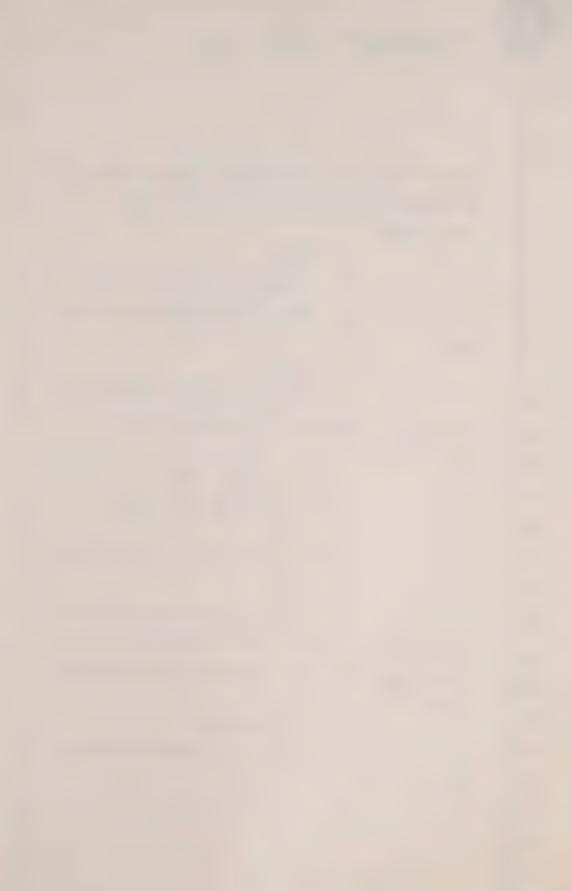
And if someone had discharged 0. nursing duties on one of your two patients while you were in the room I take it you would have observed that?

> Α. I could have.

Well, you probably would have, 0.

would you not?

Α. Yes.



P A M B S	AN

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2	Q. That would be something unusual
3	and something you would recall?
4	A. No. At times other nurses come
5	and look at the babies.
6	Q. All right.
7	A. Just look at the babies.
8	Q. I understand that, but I am
9	talking about someone actually doing some nursing
	duty or giving nursing care to one of those two
10	children that is not assigned to her.
11	A. Yes, I would have observed
12	that.
13	Q. You would have observed that?
14	A. Yes.
15	Q. And you would have remembered
16	that?
17	A. Yes.
18	Q. Now, I am suggesting to you that while you were in the room you didn't observe anything
19	like that on that evening.
	A. I might have observed it but I
20	don't recall.
21	Q. Certainly have no recollection
22	•

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of it?

A.

No.



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Q. Now the only other matter that
I was curious about was this: it is the famous
pills in the salad incident that you have talked
about and the question I had was were there ever
blood samples taken at the Hospital for Sick Children
from you?

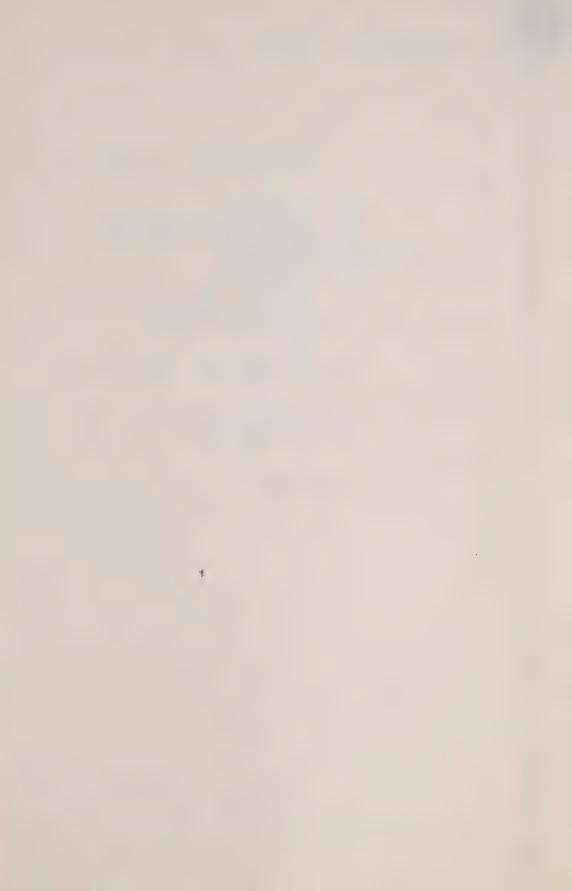
- Α. Yes.
- Did you ever find out what the 0. readings revealed?
  - I think there was none. Α.
  - Q. There were no --
  - No Inderal level in there. Α.
- And did you ever find out or hear Q. about what the results were as it related to Phyllis Trayner?
  - No. Α.
- The only final question I have from you was this: we have heard some evidence, certainly from my client Janet Brownless, that she worked on opposite shift to you and Mrs. Trayner generally in the fall from the summer of 1981 to the fall of 1981; is that correct?
  - Yes. Α.
- And that in fact the night of Q. this pills in the salad incident she wasn't working.





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	Α.	According to the WIN sheet
he wasn't.		
	Q.	I'm sorry?
	Α.	According to the WIN sheet she
wasn't, but I	can't 1	recall that.
	Q.	All right. But according to the
VIN sheet you l	believe	e she was not working.
	Α.	Yes.
	MR. OI	LAH: Thank you. Those are all
the questions	I have	•
	THE CO	OMMISSIONER: All right, thank you,
ir. Olah.		
	Mr. Sh	ninehoft?
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## CROSS-EXAMINATION BY MR. SHINEHOFT:

Q. Mrs. Scott, my name is Jack
Shinehoft and I represent the parents of Kevin
Pacsai. Would you agree with me, Mrs. Scott, that
an arrest is a pretty traumatic experience?

A. Yes.

Q. And would you agree with me it is something that one would normally remember because it is such a traumatic experience?

A. Yes.

Q. Now, I understand that you were working the day or the night that both Kevin Pacsai and Baby Manojlovich died, is that correct?

A. Yes.

Q. And that both of these children were on Ward 4B?

A. That's right.

Q. And that you were working on

4A?

A. Yes.

Q. Now, were you there on Ward

4B at any time when Baby Manojlovich arrested?

A. Yes.

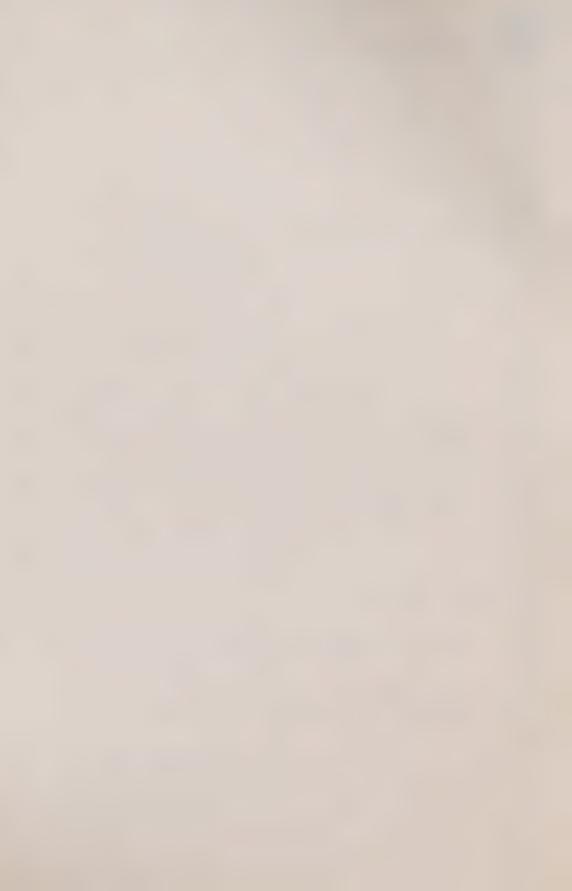
Q. And what were you doing on

4B, ma'am?

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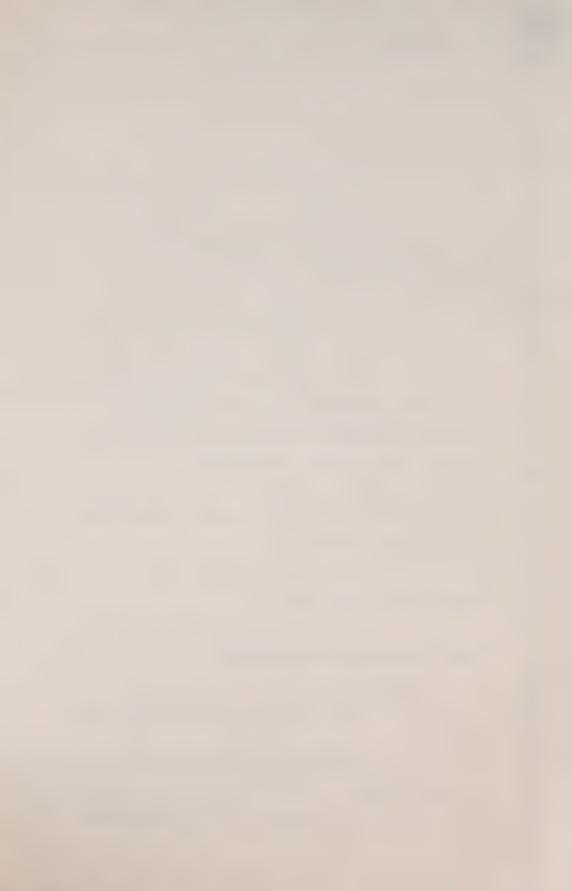
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2	A. During the arrest?
3	Q. Yes.
4	A. I believe I recorded the
	drugs that were given but I can't be sure.
5	Q. Do you recall being in the
6	room?
7	A. Yes.
8	Q. Where the baby was?
9	A. Yes.
10	Q. And do you recall who was
11	there?
	A. No.
12	Q. Well, do you recall the
13	arrest team being there?
4	A. Yes.
15	Q. And do you recall the members of
6	the arrest team?
7	A. I recall the arrest team
8	but I can't remember the members of the arrest team.
	Q. Do you remember any of the
9	members of the arrest team, Mrs. Scott?
20	A. No.
21	Q. So that you were there and
22	you were counting the drugs?
23	A. No, I was recording the drugs
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## ANGUS. STONEHOUSE & CO. LTD. Scott, cr.ex. (Shinehoft)

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2	that were given.
3	Q. You were recording the drugs?
4	A. Yes.
5	Q. And then when the baby died
6	did you leave Ward 4B?
7	A. Yes.
	Q. And did you go back to 4A?
8	A. Yes.
9	Q. And then it is my understandin
10	that almost immediately thereafter or shortly
11	thereafter that baby Kevin Pacsai got into trouble,
12	is that right, do you recall that?
13	A. Yes.
	Q. Do you recall who was taking
14	care of Kevin Pacsai?
15	A. I'm not quite sure but I
16	think it was Susan Reaper.
17	Q. Well, if I told you it was
18	Susan Nelles would you disagree?
19	A. No.
20	Q. Maybe you should take a look
	at
21	THE COMMISSIONER: That's what it says
22	on Exhibit 383.
23	MR. SHINEHOFT: Yes, on Exhibit 383.



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Q. 4B when Dr. Costigan arrived?

TORONTO, ONTARIO

that fact, sir.

MR. SHINEHOFT: Q. So, if I told you, Mrs. Scott --

MR. BROWN: I think we will concede

THE COMMISSIONER: Mr. Lamek might resign if you didn't.

MR. LAMEK: Dispute it.

MR. SHINEHOFT: Q. If I told you, Mrs. Scott, that Susan Nelles was taking care of Kevin Pacsai, would you disagree with me?

A. No. I remember now Susan Reaper was Michelle's nurse.

Okay. And were you on 4A or

A. I don't know. I could have been in 4B or 4A.

> Q. Do you recall seeing Dr.

Costigan?

A. No.

You don't recall seeing him? Q.

A. · No .

0. Do you recall Susan taking the baby to the ICU with Dr. Costigan?

> I myself don't recall. A.

Q. Well, do you recall having



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	Lunch	that	evening?	
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A.

No.

Q. And that would be the evening or the early hours of March 12th?

> A. No.

Q. That would be a Thursday?

No, I don't recall. A.

Q. You don't recall?

A. No.

Q. Would your normal practice

be to have a full lunch hour?

A. Yes.

Q. And you don't know if you

had it that particular evening?

No, I don't recall. A.

Q. Okay. You have no recollection at all as far as Baby Kevin Pacsai is concerned,

Mrs. Scott?

A. No.

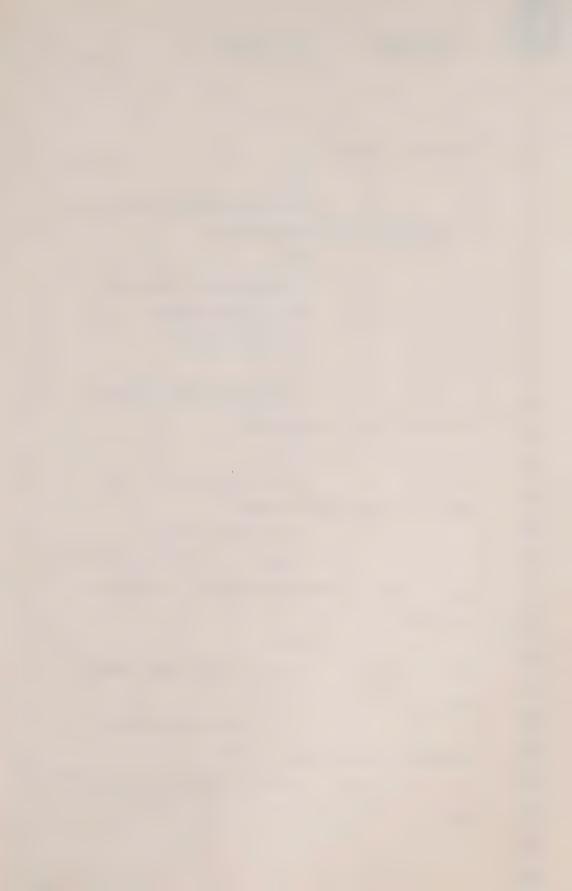
Q. Do you ever recall seeing

him?

A. Oh, I just had a glimpse of him early on when I came on duty.

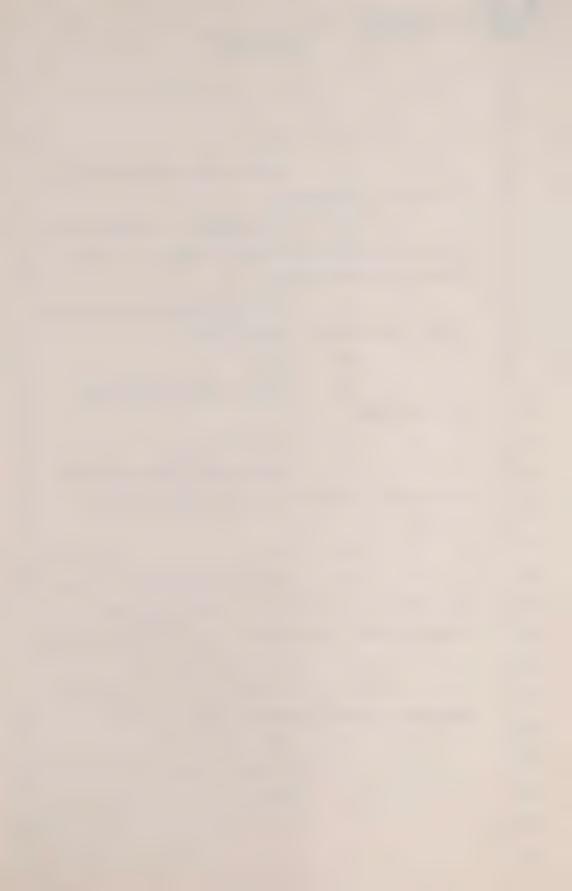
> Q. And was Susan with him at that

time?





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2	A. Yes.
3	Q. Do you recall speaking to
4	Susan about the baby?
5	A. No, I don't, I just went into
6	the room and just took a quick glance at all the
7	babies and came out again.
	Q. But do you recall specifically
8	seeing Susan Nelles with the baby?
9	A. Yes.
10	Q. And was there anybody else
11	with the baby?
12	A. I don't recall.
13	Q. Do you recall the call being
14	made for Dr. Costigan, I guess it was a Code 23,
15	to come?
	A. No.
16	Q. You gave evidence that there
17	was some discussion about this baby at Phyllis
18	Trayner's house, the meeting on the Monday following.
19	A. Phyllis Trayner's?
20	Q. All right, I am sorry, Liz
21	Radojewski's house the Monday following.
22	A. Yes.
	Q. Is that correct?
23	A. Yes.
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	Q.	And	there	e wa	s a	disc	ussion	about
this	particular child	. Do	you	rec	all	that	discus	ssion
	Α.	Yes.						
	Q.	And	who v	vas	that	disc	cussion	n

Q. And who was that discussion

A. The head nurse and the nurses, we were sitting in a group and the head nurse just told us that the Coroner had been called in regarding Baby Pacsai. That's all she told us.

- Q. And who was the head nurse?
- A. Mrs. Radojewski.
- Q. Was there any discussion about the dig levels that this baby had and the administration of that drug?
  - A. We could have, yes.
  - Q. Well, do you recall what was

said about that?

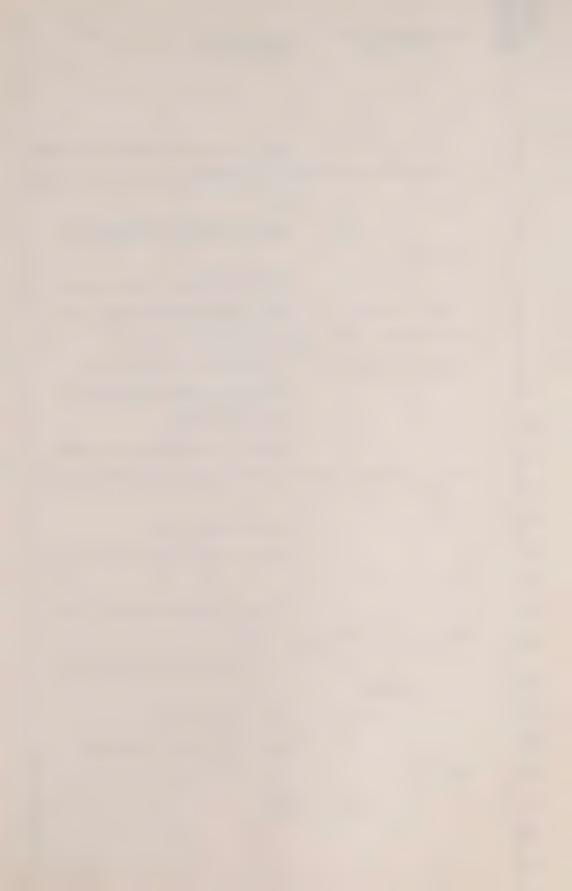
A. I do not recall what was said but I recall what Susan replied to it.

Q. Well, who was Susan replying to, Mrs. Scott?

- A. To the head nurse.
- Q. And do you recall what her

reply was?

A. Yes.



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Q. And what	was	that?
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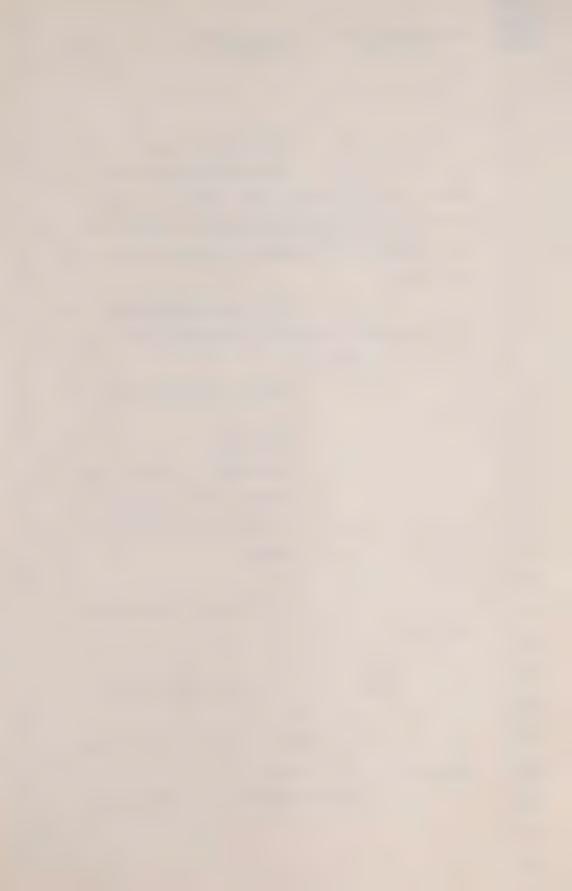
- She just said that she couldn't have given the wrong dose or a double dose because she remembered seeing a plunger of the syringe where she drew the digoxin was not all the way out.
- Q. And to your recollection was there any other discussion about this particular child at that meeting?
- A. Except what I have just told you.
  - Q. Pardon me?
  - A. Except what I just told you.
- Q. Can you recall anything else that was said about Kevin Pacsai other than what you have said at that meeting?
  - Α. Yes.
  - Q. You do recall other things

being said?

- Α. No.
- Q. You recall nothing else?
- Α. No.

MR. SHINEHOFT: Thank you very much, those are all the questions I have.

THE COMMISSIONER: Mr. Tobias?



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CROSS-EXAMINATION BY MR. TOBIAS:

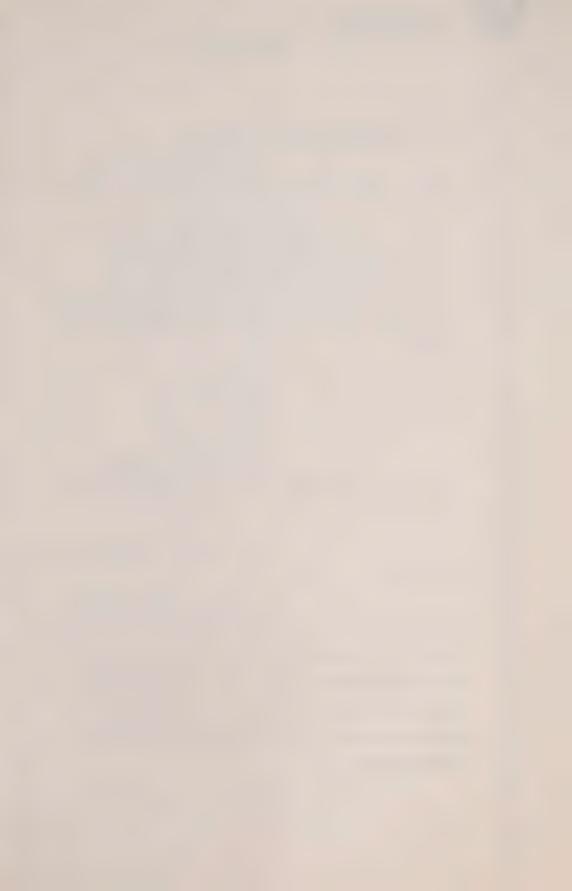
Mrs. Scott, my name is Warren Tobias and I act for the family of Jordan Hines.

Scott, cr.ex.

(Tobias)

You were asked by Mr. Lamek, I believe it was yesterday, regarding certain observations that you made on the evening of March 7th, 1981. What time did you go off duty on that evening?

- A. Which date?
- Q. March 7th, 1981.
- A. I don't recall.
- Do you recall whether or not Q. you were on the long night nursing shift on that occasion?
- I don't without looking at the A. WIN sheets.
- Q. All right. Well, perhaps I can assist you. I believe on the night of Saturday, March 7th you would have been relieving on Ward 4B and you had four children that you were caring for that night; one in Room 411, two in Room 414 and one in Room 410. Does that assist you in your recollection?
  - A. Yes.

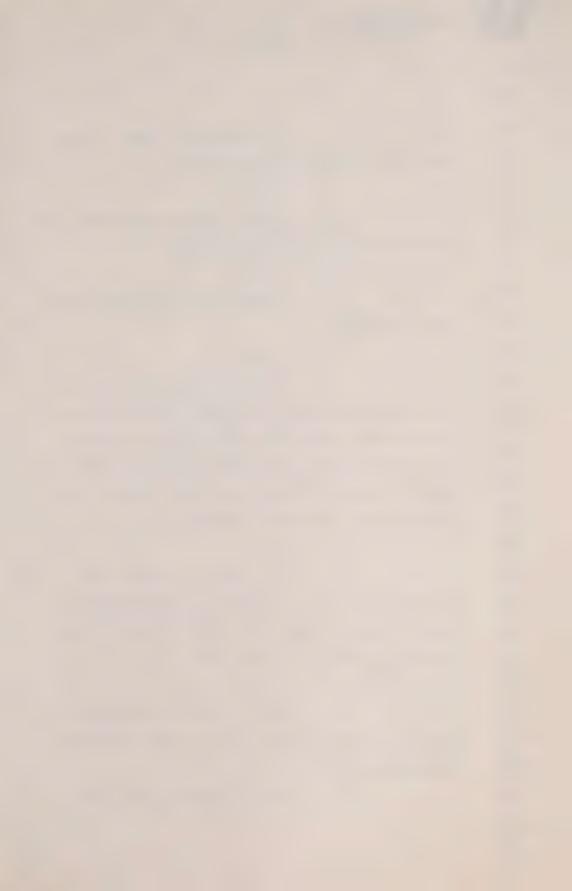


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2	Q. You would have been on for
3	the whole long night nursing shift?
4	A. Yes.
	Q. And I take it would have gone
5	off at 7:00 a.m. the following day?
6	A. Yes.
7	Q. Which would have been March
8	8th, the Sunday?
9	A. Yes.
0	Q. Now, you were also asked by
1	Mr. Lamek whether you saw anyone from Ward 4A on
2	the 4B side on that night and you had a specific
	recollection at the time that you had seen Phyllis
3	Trayner in Room 431 which was Jordan Hines' room.
4	Do you recall giving that evidence?
5	A. Yes.
6	Q. All right. Can you tell
7	me first of all, your best recollection was that
8	that was around coffee break time, between 10 and
9	11:00 p.m. I take it on the 7th?
0	A. Yes.
	Q. Okay. And on that occasion
1	why were you in Room 431, do you recall specifically
2	why you were there?
3	A. Well, I usually just go in
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and look at the babies, no reason at all.

Q. Okay, fine. Would I be correct in assuming then that at that time you as well would have been on your break?

A. Pardon?

Q. Am I correct in assuming that at the time you saw Phyllis Trayner you would as well have been on your break?

A. Yes.

Q. Okay, fine. Do you recall at all what Phyllis Trayner was doing in Room 431?

A. No, she was just standing by the baby's cot and was looking at him.

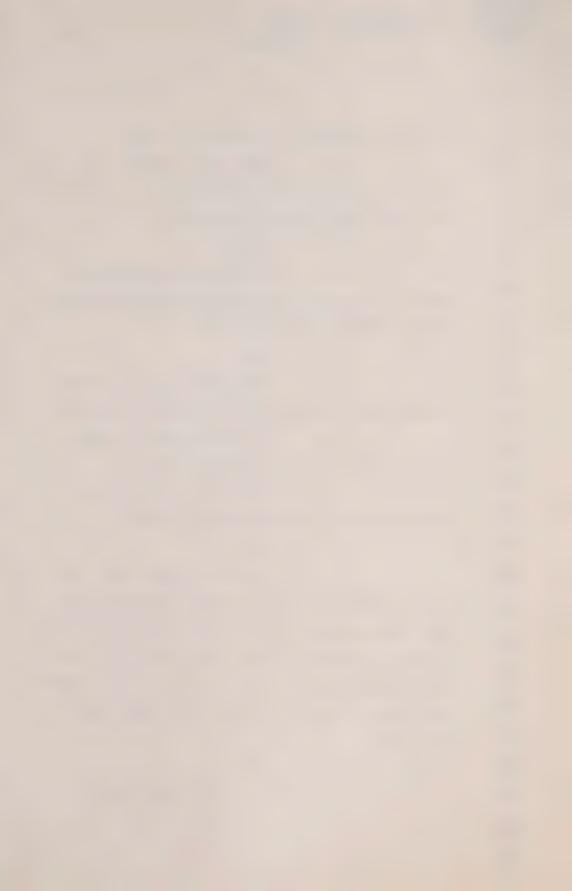
Q. All right. Do you recall which baby's cot she was standing beside?

A. Baby Hines.

Q. The Hines child. Now, it is my understanding that on that day there were four other children in the room and you gave evidence yesterday that Mrs. Trayner was in the room for about five minutes in all. Did you see her approach the cribs or the cots of any of the other four children?

A. No.

Q. All right. So, was she



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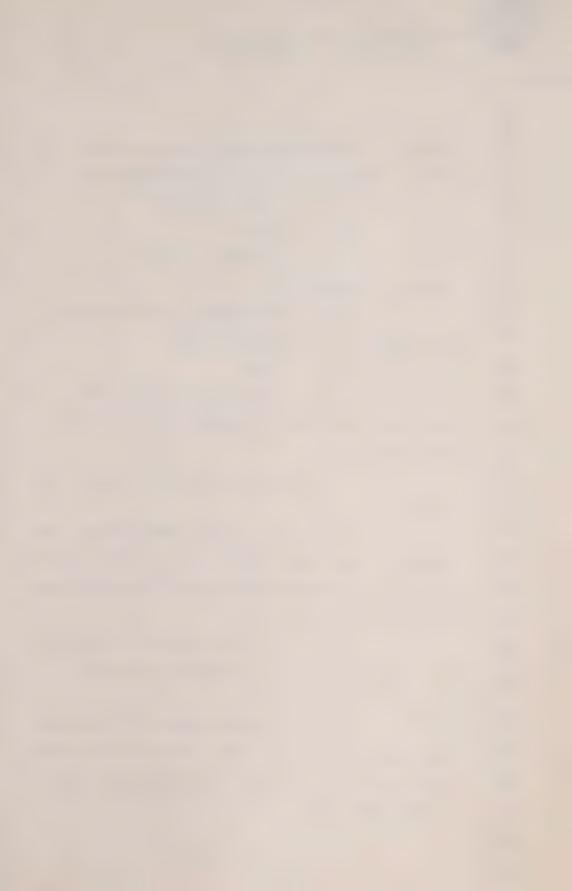
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standing at the Hines'crib for the whole five minutes duration that you were observing her?

- A. I don't recall.
- Q. Okay.
- A. But what I recall was, she was standing by Hines' bed.
- Q. All right. At the time was she looking in on the Hines' child?
  - A. Yes.
- Q. All right, what was she doing, was she giving any nursing care to him at that time?
- A. No, she was just looking and so was I.
- Q. All right. When you say just looking at him, does that mean that you were handling the IV line or seeing that the child was comfortable or that the monitors were on?
  - A. No, just looking at the baby.
  - Q. Just looking at the baby?
  - A. Yes.
- Q. And that you say I am sorry, was it your evidence that that went on for the whole five minutes. I mean, that's a long time to observe a baby, isn't it?



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	A.	Well,	I was th	nere for	five
minutes but	not neces	sarily	looking	at Baby	Hine
for five mi	nutes.				

All right. Well, let's be Q. specific about it. During the whole five minutes you yourself weren't observing Baby Hines. I say, during the entire five minutes you have just told me you yourself weren't watching the baby for the whole five minutes?

> Α. No.

Q. Was Phyllis Trayner watching the baby for the whole five minutes?

A. I don't know, I was looking at the other babies as well.

Q. Okay, fine. Do you recall when you looked at the Hines child whether or not you had any conversation with Nurse Trayner?

A. No, I didn't have any conversation.

All right. Did she make any comments to you about the child. Did you ever hear her make any comments?

> A. No.

So, she didn't make any Q. comments to you and you didn't overhear her make any



Scott, cr.ex. (Tobias)

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comments to anyone else. Other than you and Mrs. Trayner, was there anyone else in the room?

- A. I don't recall that.
- Q. All right. I think you also told us yesterday that on that occasion she would have been checking all the babies on the ward.

  Did you mean by that all the babies on Ward 4B?
- A. No, only the babies in the baby's room.
- Q. Okay, fine. So, to your recollection she wasn't in any of the other rooms?

Yes.

- Q. Now, as team leader on the 4A side I understand that first of all physically Room 431 is quite close to the nursing station, is it not?
  - A. Yes.

A.

- Q. In fact, it is the first room down the hall from the nursing station?
  - A. Yes.
- Q. And the distance between the nursing station and the door to Room 431 is indeed a very short distance, do you agree with that?
  - A. Yes.





Q. I am sorry?

A. Yes.

Q. Okay. Now, as team leader on the Ward 4A side was there anything unusual or out of the ordinary about Phyllis Trayner checking in on the babies in the baby room on the 4B side?

A. No.

Q. All right. Is that something that you had seen her do on other occasions?

A. Yes.

Q. And that isn't anything that would arouse any suspicion or any concern on your part?

A. No.

Q. Okay, fine. Now, you said to me before I believe that you didn't recall whether she checked on any of the other babies. Now, I want to be sure that I understand your evidence.

Is it that you don't recall whether or not she checked on any of the other babies or you don't think she did check on any of the other babies?

A. I don't recall.

Q. Okay, fine. So, she may have?

A. She may have.

Q. And you really can't help us



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any more in that area I take it?

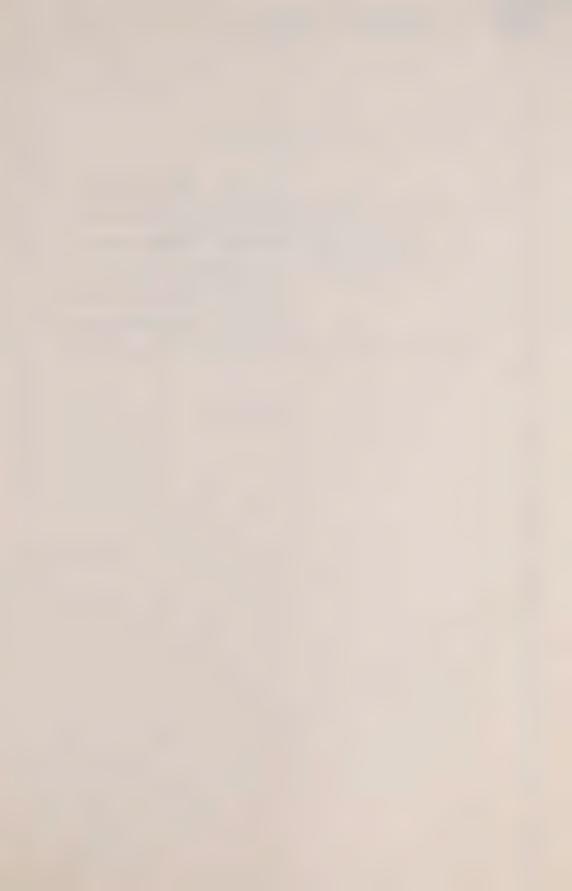
A. No.

Q. All right. Now, as well you told Mr. Lamek yesterday that you don't recall later on in the shift seeing Mrs. Trayner again on the Ward 4B side. Do I have that correct?

A. Yes, until during the arrest.

Q. All right. And whose arrest would that have been when you saw her on the Ward 4B side?

A. Baby Hines.





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Q. When Baby Hines arrested, I take it since you would have been on duty in Rooms 410, 411 and 414, you would have heard the Code 25 called?

A. Yes.

Q. When the Code 25 was called did you go to Room 431?

A. Yes.

Q. Wasn't that in fact your normal

A. Yes.

Q. When a code was called you went down to see if any assistance was required?

A. Yes.

Q. When you go there can you tell us who was in Room 431 administering to Hines?

A. I don't recall, probably Susan.

Q. I am sorry?

A. I don't recall.

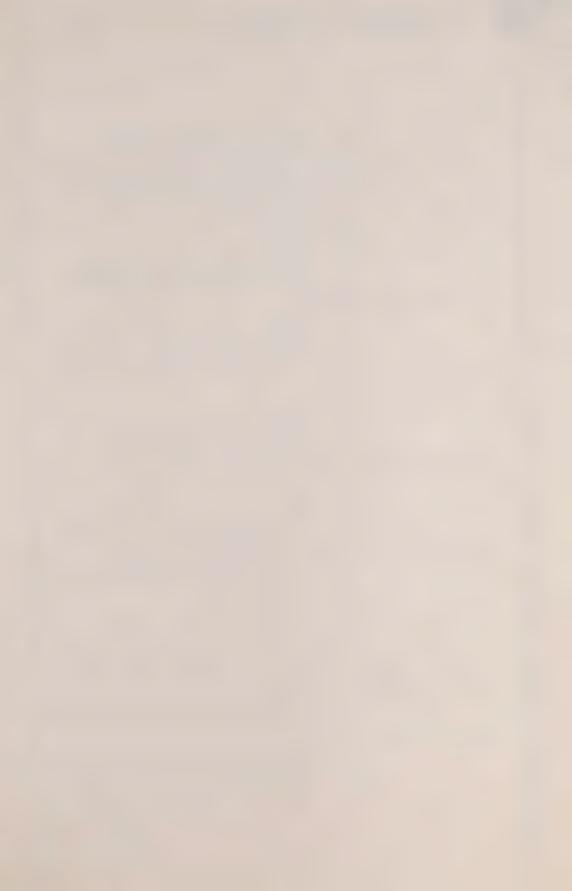
Q You said probably someone and I didn't hear your response.

A. Susan, she was looking after the

Probably Susan Reaper I take it?

A. No.

Q.





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did you do?

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Q. Susan Nelles?

A. Yes.

Q. Now, I have had the benefit of reviewing the 4B assignment book for the evening of Saturday, March 7th, 1981, and it appears from the assignment book that in fact the nurse caring for Hines on that occasion was in fact Susan Reaper; does that at all help refresh your memory as to who you saw in his room when you came down after hearing the Code 25 called?

A. No.

Q. Do you recall seeing anyone else there at that time?

A. No.

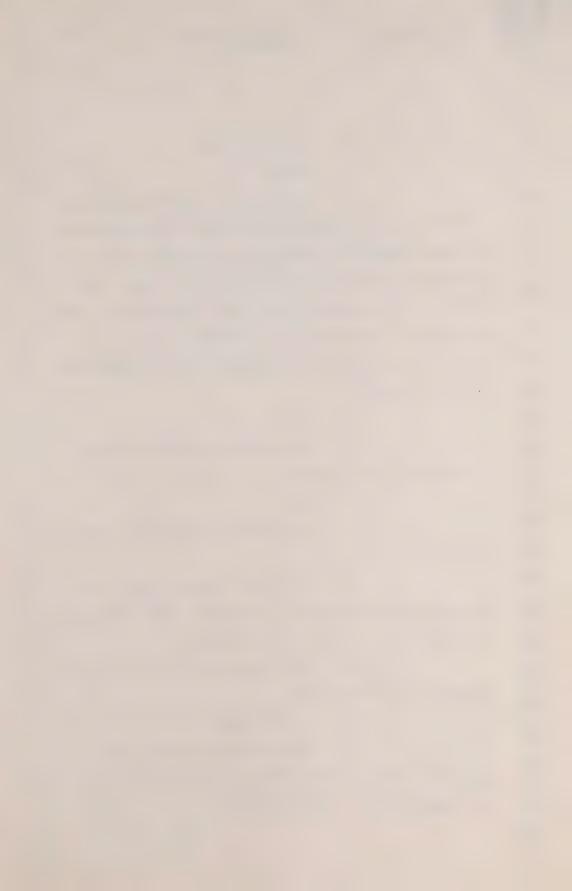
Q. And when you got there, what

A. I think I got the crash cart in and started getting all the drugs ready, and then the supervisor came and she took over.

Q. And who was that, who was the supervisor that evening?

A. I don't recall.

Q When you say she took over, were your duties at that point, as they related to the Hines' arrest, finished with?





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	A.	Oh, I	stayed a	round f	or abou	ıt
five or ten r	minutes d	then I l	eft beca	use the	re were	9
too many peor	ole in th	nere, so	I left	the roo	m and	
looked after	the other	er babie	s and an	swered	the pho	one
calls.						

0. And do you recall whether you would have left his room before or after the doctors arrived?

After the doctors arrived.

Q. Can you estimate for me in total how long you were in his room for after the Code 25 was called?

Ten minutes, but I went in there A. again and came out again.

Q. We have heard evidence prior to today that the Hines' arrest was a particularly long one?

Yes.

0. And the estimates range anywhere from an hour and a half to two and a quarter hours. I take it you were only there for ten minutes, most of that resuscitation effort you really have no knowledge of, you couldn't help us with?

> A. No.

Okay. Fine. Now in terms of





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your recollection that you don't recall seeing Mrs. Trayner specifically, or anyone else from the 4A side on the 4B side until that arrest, I take it that the rooms which you would have been in on that evening are down the hall from where 4B is, do I have that correctly?

> A. What assignment did I have?

0. Well, perhaps I can help you by showing you on the diagram. The patients that you were caring for were in Rooms 410, 411 and 414, do I have that correctly, is that your recollection? It is my recollection they were on those three wards.

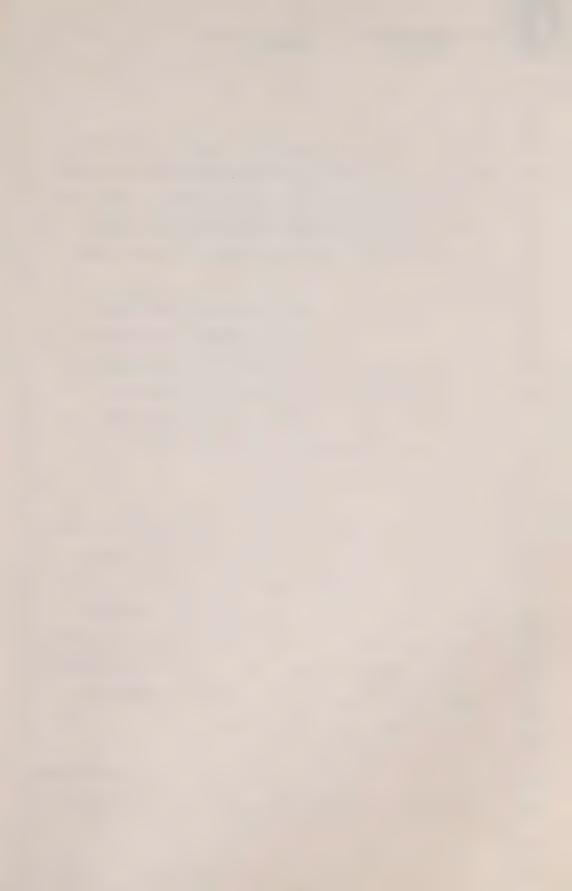
> A. No.

All right. Again if we can go back to the assignment books. I ask you to just take it for granted just for purposes of this question.

Now on this chart we see that on 4A side we have got rooms starting at 418 and 416 and going down that way; and on the 4B side starting with Room 431 going down that way. It is my understanding that in fact Rooms 410, 414 and 411 are down the corridor this way, is that correct?

> A. Yes.

So in effect you would have been down here somewhere, or around the corner from Room 431?



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A. Yes.

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the parents.

Q And were you in those rooms for the balance of your shift to your recollection?

A. No, I wasn't in the room all the time. Now I remember Susan asked me to look after

Q. Susan?

A. Reaper.

Q. You remember Susan Reaper asking you to look after the parents, this was after the Hines' arrest?

A. Yes.

Q Dealing with that period of time before the Hines' arrest, particularly between the hours of let's say 11 o'clock at night and 4 a.m., I take it you would have at some time had a lunch break?

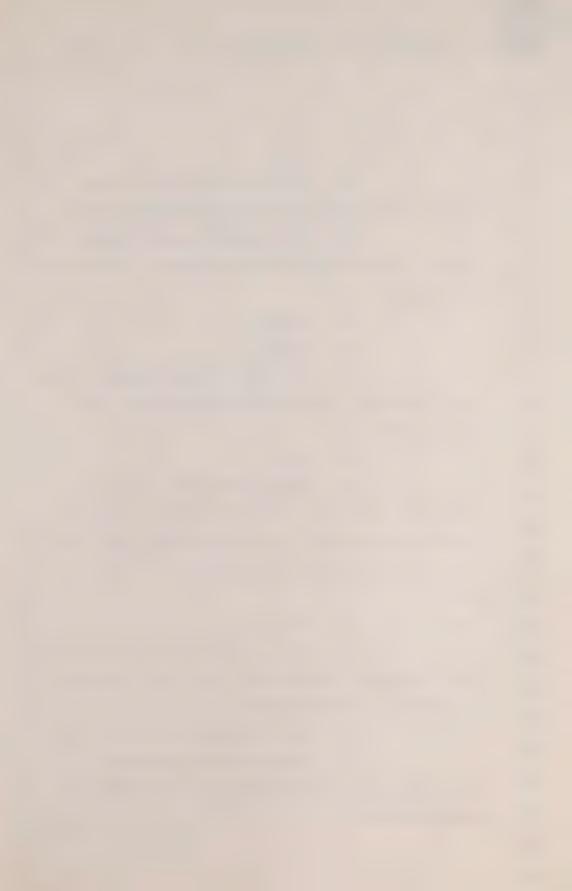
A. Yes.

Q Do you recall whether you took your lunch break that evening on the floor or did you go downstairs to the cafeteria?

A. We usually have it on the floor.

Q Do you have any specific

recollection of whether you had it on the floor that evening or not?



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A. No, but we hardly go down to the cafeteria at night, never.

Q. Do you have any specific recollection in your own mind on that evening as to where you would have had your lunch, would it have been in the nursing station?

> A. Yes.

Q So that during the course of your lunch break you would have had an opportunity to observe anyone from the 4A side going over to the 4B side; am I correct?

Yes.

And you have no specific recollection of that happening during the course of your break?

No.

Now did you also have a coffee break following the 10 o'clock coffee break?

> Most probably I did. A.

And again would you have taken that coffee break at the nursing station?

> A. Yes.

And again at that time you would have been able to see anyone from the 4A side going over to the 4B side?



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A. Yes.

But you don't specifically recall seeing anyone do that?

> A. No.

And in terms of your duties, your regular duties for the patients that you were caring for, your regular duties, I take it that you might have been in and out of various other rooms on the floor that evening, and now I am referring to the medication room and the soiled utility room?

> A. Yes.

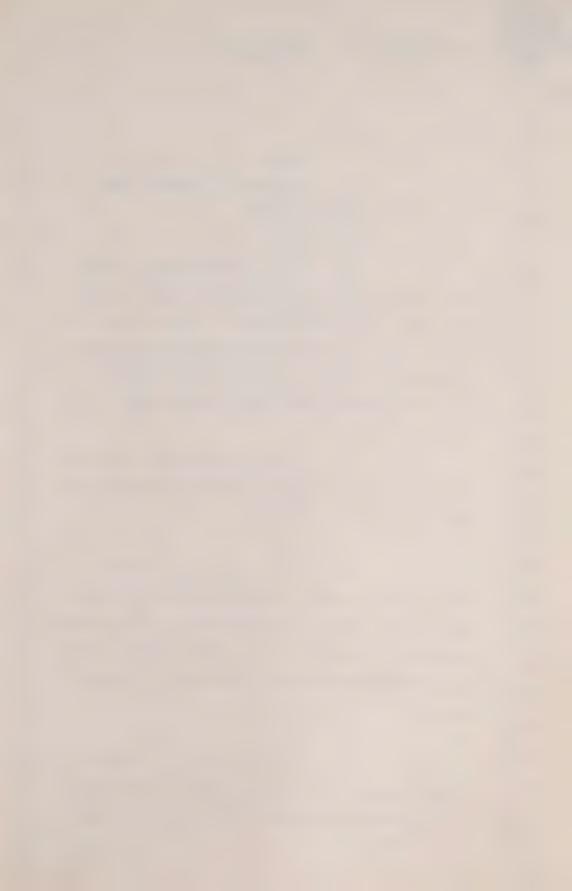
Again when you went on those duties you would have had an opportunity to observe what was going on on Ward 4B?

> Yes. A.

Now we have heard evidence before that there was nothing particularly unusual about a nurse from Ward 4A being over on the 4B side; does that correspond with your recollection of how things were at the Hospital during the nine-month period?

> A. Yes.

And therefore if it wasn't unusual I would think that is something that would not particularly stand out in your mind some three years later?





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Yes, that's right.

0. So what you are saying is you can't recall seeing anyone else come over to the 4B side but that doesn't necessarily mean that it didn't happen?

> A. That's right.

0. Now you also told Mr. Lamek in examination in chief that you had not cared for Hines and had not particularly observed him or watched him during the period of his hospital stay. And that as a result you really had very little information to give us regarding his condition in the Hospital, or his terminal events?

That's correct.

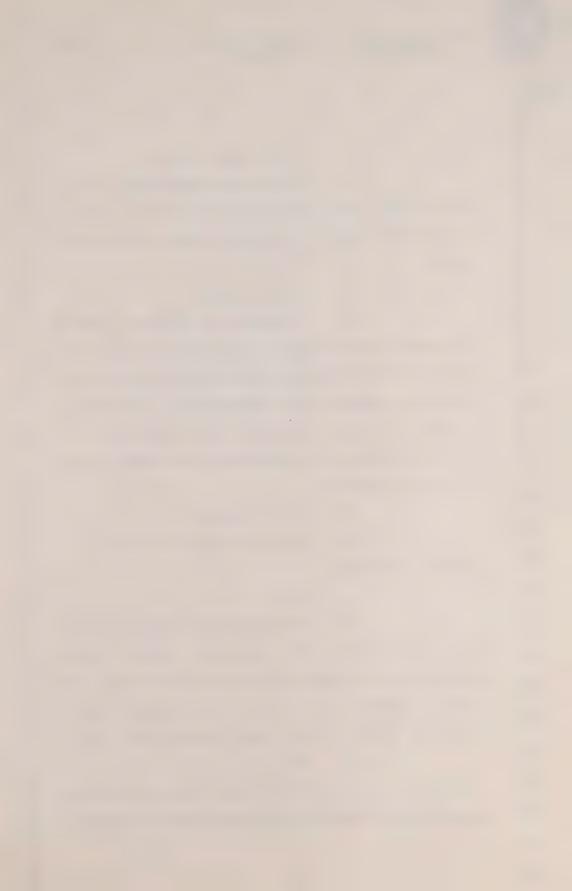
Q. Do you recall giving that evidence yesterday?

Yes.

We have heard evidence before today from several other nurses that it was a general perception on the ward amongst 4A and 4B nurses that there was quite a bit of concern and surprise over the Hines' death; do you recall hearing about that?

A. Yes.

Do you recall your colleagues expressing some surprise and some concern over why





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the child had arrested?

A. Yes.

Q. And do you recall hearing your colleagues discuss with one another the Hines' arrest and what the reasons for it were?

A We could have discussed it during the coffee break.

Q What I am asking you now is, do you have a specific recollection today of generally having heard the Hines' arrest discussed amongst your colleagues?

A. No.

Q. Okay. Fine. Are you aware that in fact there was a meeting amongst the 4A/B nursing personnel on March the 11th of 1981, and one of the babies discussed was Jordan Hines; were you aware of that before today?

A. I don't recall.

Q. I am sorry, I didn't hear your

answer?

A. I don't recall.

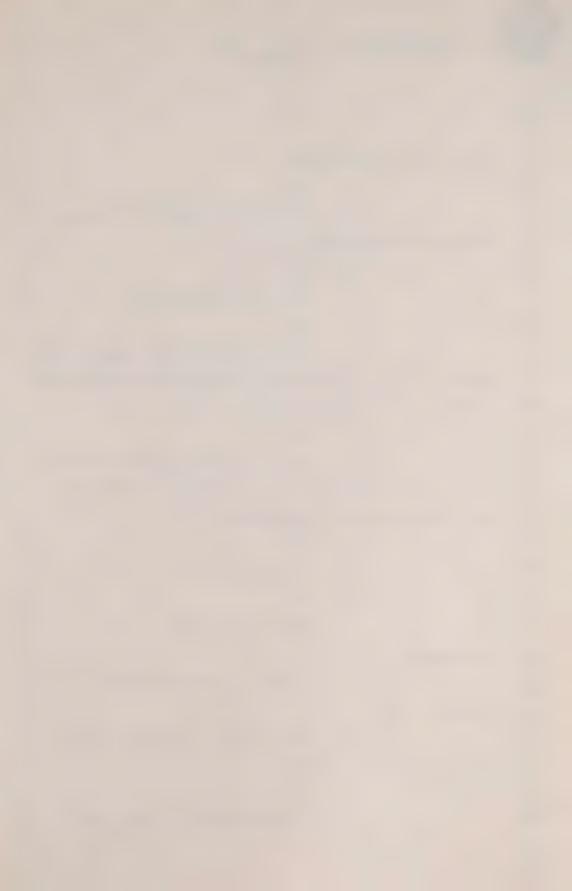
A I take it obviously that you have no recollection of having been at that meeting?

A. No.

Q Did you ever discuss the Hines'



		(Tobias)
death with Susa	in Reap	er?
	A.	No.
	Q.	Did you ever discuss the Hines'
death with Jane	t Bede	?
	A.	No.
	Q.	Or Carol Putherbough?
	A.	No.
	Q.	Do you recall at any time between
		ay ever having heard an explanation
offered for the	Hines	' death?
	A.	No.
	Q.	And if I asked you today whether
		caused the arrest, do you have
any information	for u	
	A.	Yes.
	Q.	I am sorry?
	A.	Yes.
	Q.	What is the source of that
information?	9	
Danamh	A.	I read it from the Atlanta
Report.	0	So the call information
ic what ic in th		So the only information you have
15 what 15 In th		Yes.
		Other than that I take it you
		time I cake It you
	March of 1981 a offered for the or not you knew any information?  Report.	Q.  death with Janet Bede  A.  Q.  A.  Q.  March of 1981 and tod  offered for the Hines  A.  Q.  or not you knew what  any information for u  A.  Q.  information?  A.  Report.  Q.  is what is in the report.





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have no information?

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A. No.

Now, was it your perception in March of 1981 that there had been a number of unexplained deaths on the wards over those nine months preceding?

> A. Yes.

And I take it that if you did have any knowledge that Hines was one of them he just would have been one in a series of unexplained deaths?

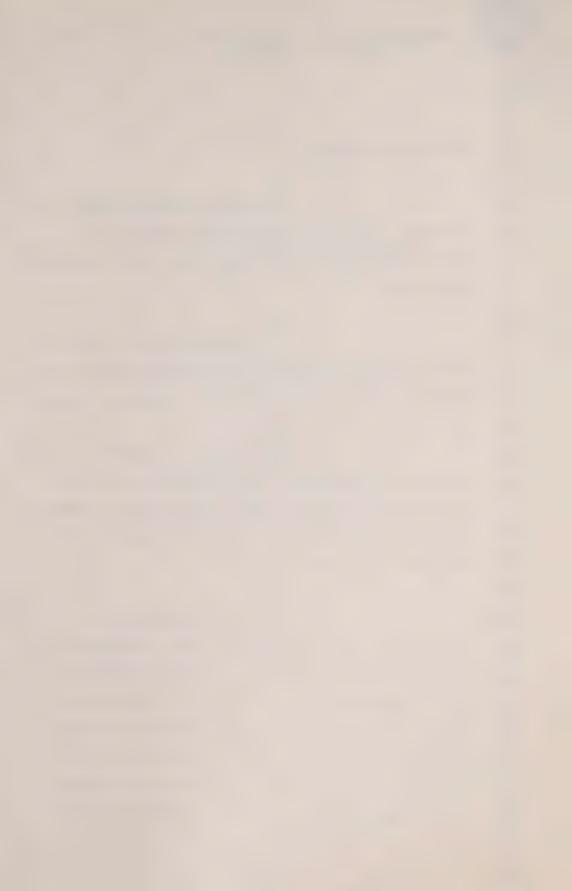
> A. Yes.

And nothing in particular stands out about his particular case, other than the fact that it also occurred in the early morning at approximately the same time band and wasn't expected, do I have that correctly?

Yes.

Now you indicated to Mr.

Percival this afternoon why you told us yesterday that you would have preferred to work with Susan Nelles. One of the things you told us was you found Susan Nelles very helpful. You also indicated you didn't get that feeling about Phyllis Trayner, that she wasn't as helpful as Nelles. Do you recall having gone to Mrs. Trayner on a number of occasions and





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asking for help or advice and guidance?

A. Yes.

And was her reaction one of indifference to you?

> A. Yes.

And did you often go to Susan Nelles and ask for advice?

A.

And I take it that her reaction was to offer you advice, and guidance, and assistance?

> A. Yes.

So that in effect it was really Susan Nelles that you looked to for that kind of leadership on the team?

> A. Yes.

Q. Do I have that correctly?

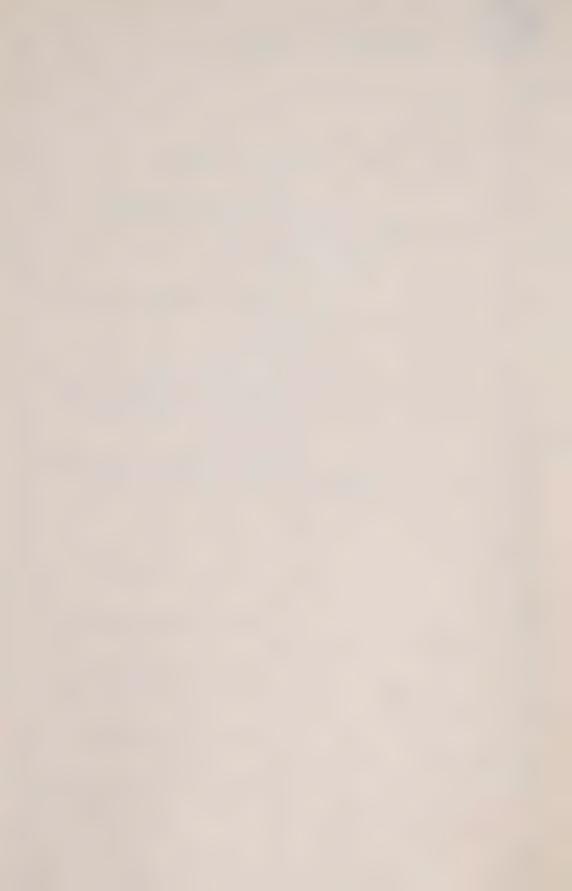
A. Yes.

Q. You didn't feel you could count on Phyllis Trayner for that?

> A. I preferred to ask advice from

Q. I am sorry, you will have to speak up, I am terribly hard of hearing.

A. I preferred to ask Susan Nelles if I wanted to know anything.



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2	Q. But I take it one of the
3	reasons why you preferred to ask Susan Nelles was that
4	you did not find that Phyllis Trayner was giving you
5	the kind of help that you required?
6	A. Yes.
7	Q. And yet Phyllis Trayner was the
The second secon	team leader?
8	A. Yes.
9	Q. And ordinarily I take it that
10	when one needed advice and help they would go to the
11	team leader and that is why you had a team leader?
12	A. Yes.
13	Q. Do you know if that was something
14	that Phyllis Trayner had noticed, that you were going
	to Susan Nelles more often than her?
15	A. I don't think so.
16	Q. Was it something that she ever
17	mentioned to you?
18	A. No.
19	Q. Was it something that she ever
20	showed any concern about?

ake it that ld go to the am leader? t was something ou were going hat she ever hat she ever A. No. You also told us that you were Q. aware in terms of the relationship between Susan Nelles and Phyllis Trayner that there was quite a bit of

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disagreement, I think your own words were "disagreeing most of the time"?

> A. Yes.

And you did elaborate for Mr. Percival a little bit as to what those disagreements were about. Let me ask you this. I take it most of the disagreements were over professional things, not personal things?

> A. Yes.

And patient care, would that have been one of the areas that they had differing views of and differences of opinion about?

> A. Partly.

You also indicated to Mr.

Percival that one of the things that you were aware of was differences of opinion as to at what point to call a Code, how far - assessing the patient's condition?

> A. Yes.

And whether or not it was critical enough to call a Code?

> A. Yes.

I take it that is the disagreement that you were aware of them having on more than one or two occasions?



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A. Yes, but I don't recall specific occasions.

Q I am not asking you to recall them. What I am saying is that was something that was a general area on which they were prone to disagree, is that correct?

A. Yes.

Q. Was their approach to nursing

A. Well, it is difficult for me to

Q. I am sorry?

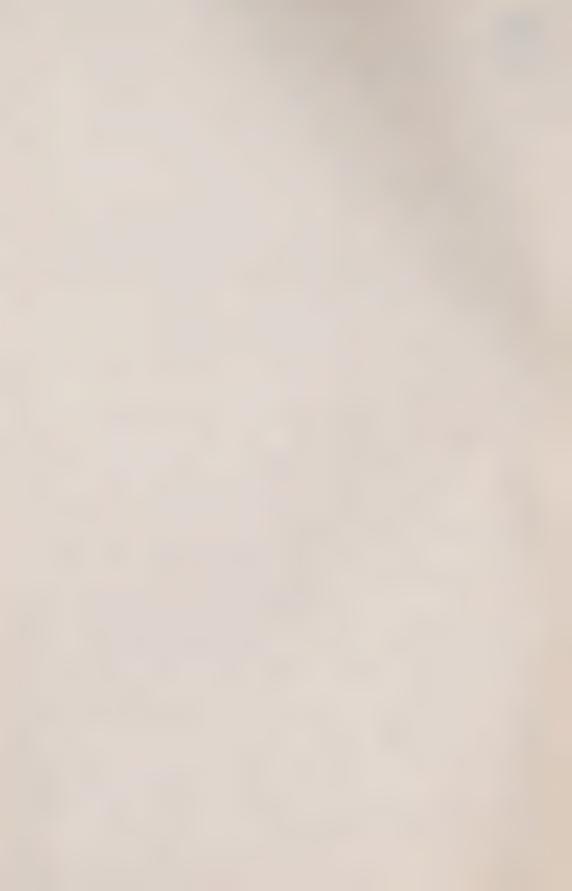
A. It is difficult for me to generalize on that.

Q. The manner in which they cared for the children, let's be specific.

THE COMMISSIONER: That is hardly specific, the manner in which they cared for the children, if you are going to be specific you will have to say.

MR. TOBIAS: You would like me to be even more specific?

THE COMMISSIONER: Does one go to the left side of the crib and the other one go to the right side, that is being specific.



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MR. TOBIAS: I am afraid I have no intention of being quite that specific, Mr. Commissioner.

THE COMMISSIONER: All right.

MR. TOBIAS: Q. Let me get at it this way. In terms of the manner in which they recorded vital signs, watched for danger signs in children, monitored children, changed children, fed children, would their approach be basically the same?

> A. Yes.

And you were not aware of any specific disagreements in those areas, were you?

> A. No.

Now you also told us that you well, you disagreed really with Mr. Percival's characterization I think of the intensity of the disagreements. I take it though that the disagreements they were having wasn't something that was kept only to themselves?

> A. No.

You were aware of them, were other members of the 4A/B nursing staff aware of these disagreements?

Yes.



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In fact they were pretty much a matter of public knowledge, I suppose.

> A. Yes.

Now, why is that? How did you come to have knowledge of the disagreements in the first place? How did you become aware of them?

Α. They were working most of the time together.

> 0. I'm sorry?

They were working most of the time together.

Q. All right. Would they disagree in front of other people?

> Α. Sometimes.

All right. Would they on occasion disagree in front of you? Did you actually witness disagreements?

A. Well, they could be in the room and I would be in the room.

All right. Were there any times 0. when you discussed with either Phyllis or Susan separately, not when they were together --

> Α. No.

-- any of the disagreements? Did any of them ever bring those disagreements to your

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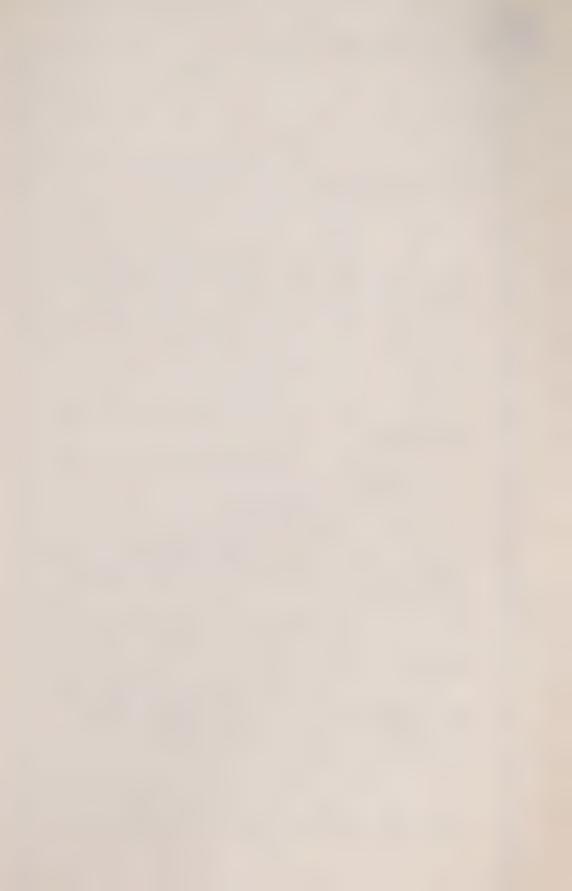
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attention?

- A. No.
- Q. Is it fair to say that although they may not have been heated disagreements that they were generally characterized by a degree of unpleasantness? Did you think that they got along very well, Phyllis and Susan did?
- A. Not unpleasant but just they just disagreed. Not in a heated argument or angry at each other.
- Q. Is it fair to say that they perhaps in their professional attitudes and in their approach to things, is it fair to say they somewhat irritated each other? Would you go that far?
  - A. Yes.
  - Q. I'm sorry?
  - A. To some extent.
- Q. Now, you have indicated that your assessment of Susan Nelles was that she was a very good nurse and she was quite efficient. Do you remember giving that evidence yesterday?
  - A. Yes.
- Q. I take it that Susan Nelles was basically a fairly strong person? Would you characterize her that way?



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- Q. Sure of herself and self-confident?
- A. Yes.
- Q. And did she exude that kind of self-confidence publically? I mean is this something that when you saw her and observed her working and observed her in situations of stress you admired, you felt was very much under control?
  - A. Yes.
- Q. Is it fair to say that with respect to her nursing duties in fact she carried herself fairly well, did she not?
  - A. Yes.
- Q. All right. We have also heard some evidence to date regarding the fact that Phyllis Trayner seemed to talk more about the arrests than other nurses, and I believe you indicated to Mr. Hunt this morning that that was the case.
  - A. Yes.
- Q. All right. And it had been suggested by some of your colleagues, particularly Mrs. Costello, that the way she read that was a need for Phyllis to be reassured about the arrests, reassured about the efforts of the team, that the team wasn't missing something, that the team was doing



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whatever they could. Do you agree with that assessment that perhaps Phyllis needed more reassurance than the rest of you?

A. Yes.

Q. And are you aware of the fact that Phyllis in fact in the fall of 1980 discussed that very issue with Dr. Freedom? Did you know that?

A. I heard about that.

Q. All right. But the need for reassurance and the talking about the arrests obviously persisted even after her discussion with Dr. Freedom?

Is that correct?

A. Yes.

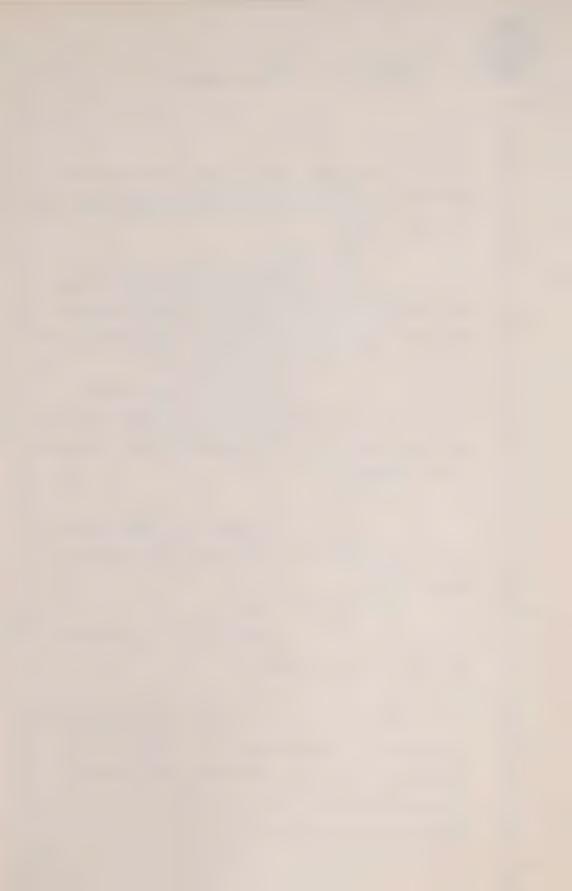
Q. Is it fair to say that Phyllis
Trayner was somewhat of a less confident person than
Susan Nelles?

A. It seems so.

Q. In terms of less self-confidence is what I am talking about.

A. Yes.

Q. Would you agree with me in terms of strength, in terms of being in control of her situation, is it a fair assessment to say she was less self-assured and less controlled in stress situations than Susan Nelles?



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emotional?

- 0. More apt to become agitated and
  - A. Yes.
- Q. All right. You made an interesting comment yesterday. I believe Mr. Lamek asked you whether or not, about the salad incident, that Phyllis Trayner certainly didn't treat it as a joke, she was crying, your comment was, "Well, it was hard to tell if she was upset. She was crying all the time."
  - Α. Yes.
- Q. I take it from that that you would regard her as a fairly emotional person?
  - Yes. Α.
- All right. So that in that regard Q. the coolness under pressure, the self-confidence, the self-assuredness, Phyllis Trayner and Susan Nelles in that regard anyways were really quite opposite, weren't they?
  - Α. Yes.
- And do you feel, and I want your Q. opinion now, having observed them and worked with them, do you feel that at times that was a source of tension and conflict between them, Susan's selfassurance?



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Q. All right. And isn't that really what was exhibited sometimes in the disagreements that you witnessed?

> Α. Yes.

All right. Now when the ward was split into two wards, Ward 4A/B, I take it that at that time Phyllis Trayner - or that is the time Phyllis Trayner became team leader, was it not?

> A. That is right.

Did you ever discuss with Susan Nelles what it meant to be team leader?

> A. No.

Did you ever hear Susan Nelles make any comments along those lines?

Along what lines?

The position of team leader and what the qualifications were for it and what you needed to be a team leader?

A. No.

Was it your view that Susan Nelles felt herself that in terms of her professional capabilities that she was as qualified to be a team leader as anyone else on that ward?

> Α. Yes.





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And was it your view that she certainly felt as qualified to be a team leader as Phyllis Trayner was?

> A. Yes.

And was Phyllis Trayner aware of that?

I think she did.

I am sorry? Q.

I think she was.

Okay. And was that a source of conflict or aggravation between them in your opinion?

> That is hard to say. A.

All right. Did you ever get Q. the feeling that perhaps there was some sort of competition between Nelles and Trayner as to who was the more capable nurse?

No, but I knew Susan Nelles was disappointed when she did become team leader and Jo MacIntosh became team leader.

Q. Yes. All right. Did you ever feel or get the intuition that perhaps Phyllis Trayner may have felt somewhat professionally threatened by Susan Nelles?

> A. No.



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Q. Now what you have told us up
until now regarding the different kinds of
personalities they had in terms of self-confidence,
some of the disagreements they had, some of the
agitation, Susan's feeling that she was as qualified
to be a team leader, how did all of that affect
their personal relationship, professional relation-
ship totally aside?

A. Well, they are not the best of friends. I don't know, they might see each other socially but I don't see them socially so I wouldn't know.

Q. All right. Would you have expected at that time to see Phyllis Trayner and Susan Nelles outside of the work place having a close personal relationship?

THE COMMISSIONER: Yes, Mr. Rosenberg?

MR. ROSENBERG: We have gone through

intuition and so on. I am just wondering where

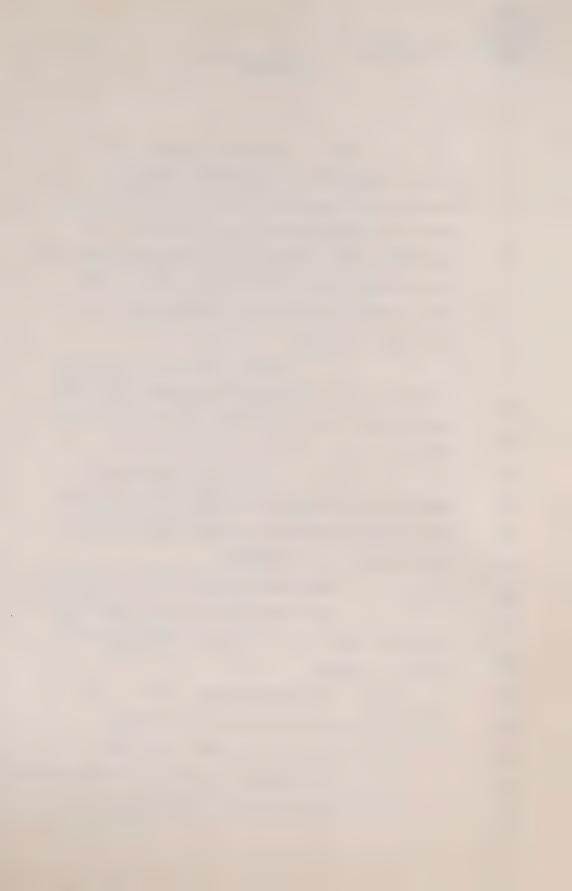
enough is enough.

THE COMMISSIONER: Well, I tell you it is 4:32 so on time alone it is enough.

What do you think, Mr. Tobias?

MR. TOBIAS: I would say about another

45 seconds will about do it on this area.



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THE COMMISSIONER: Well, I think could you manage to do it in 45 seconds and not arouse Mr. Rosenberg's ire?

MR. TOBIAS: I think I can try.

THE COMMISSIONER: All right.

MR. TOBIAS: Q. Is it fair to say that they certainly weren't the best of friends, were they?

> A. Yes.

Q. And in fact did you get or did you know personally, nursing aside, did you know whether or not they liked one another?

THE COMMISSIONER: I think not. I don't think you need to --

MR. TOBIAS: Well, I think not either, Mr. Commissioner, but I would feel a lot better if the witness had said that instead of you.

Do you agree with the Commissioner, do you adopt the Commissioner's --

THE COMMISSIONER: I think the question perhaps doesn't have to be answered. I think we have got what she has observed and the facts that she has observed and we can draw our own conclusions from it.

MR. TOBIAS: All right. With that I



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might say I am about to move into an entirely unrelated area, I am sure much to Mr. Rosenberg delight, and this might be an appropriate the break for the evening.

THE COMMISSIONER: Oh, all right. You want to continue tomorrow? How long do you think you will be tomorrow?

MR. TOBIAS: About 15 minutes.

MR. ROSENBERG: I wonder if I could just impose and find out how long everyone will be?

THE COMMISSIONER: Well, Mr. Shanahan --MR. SHANAHAN: Mr. Commissioner, Mr. Labow will be back in the morning and I can be here

and I will only be very short.

THE COMMISSIONER: Yes, and we know about --

> MR. ROLAND: I had my turn but --THE COMMISSIONER: You want another

one?

MR. ROLAND: But because of the arrangements, that Mr. Percival went after me, he got into a topic that was not raised in chief --THE COMMISSIONER: Which topic was

that?





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MR. ROLAND: It has to do with the reporting of errors and incidents reports.

THE COMMISSIONER: Yes. How long

will you be?

MR. ROLAND: Five minutes.

THE COMMISSIONER: Yes. All right.

I think it probably means about the break because I don't think you and Mr. Lamek are going to be long, are you?

MR. ROSENBERG: No. I just wondered if I could schedule a court matter for the afternoon.

THE COMMISSIONER: Oh, I think.

MR. LAMEK: No question.

THE COMMISSIONER: I don't think there is any danger with that. I really would like - and, Miss Jackman, I would like to have Mrs. Christie here in the morning at 10 o'clock because we might well finish before the break.

MS. JACKMAN: That will be fine.

THE COMMISSIONER: Yes, all right,

thank you. We will rise

We will rise until 10 o'clock tomorrow.

---Whereupon the hearing adjourned at 4:40 until 10:00 a.m., Wednesday the 21st day or March, 1984.



